

Department of the Treasury Acquisition Procedures

September 2015 edition

Version 2.0

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FOREWORD

The Department of the Treasury Acquisition Procedures (DTAP) is published and maintained by the Senior Procurement Executive of the Department of the Treasury, in his or her concurrent capacity as Director, Office of the Procurement Executive (OPE), and under the authority vested in him or her by the Federal Acquisition Regulation (FAR), specifically [FAR 1.301\(a\)\(2\)](#). The contents of the DTAP are intended to provide binding internal, non-codified policy and procedure guidance to various Treasury procurement bureaus. The scope includes delegations of authority, assignments of responsibilities, work-flow procedures, internal reporting requirements, and all other procurement policies and procedures that facilitate the processing of Treasury acquisitions. The DTAP is a companion guide to the Department of the Treasury Acquisition Regulation (DTAR), the latest version of which is codified at [48 CFR Chapter 10](#) and the FAR.

The arrangement of this edition corresponds to the FAR, with subchapters, parts, subparts, sections and subsections corresponding to their FAR counterparts. Furthermore, the DTAP shares the same numbering system and naming convention as the FAR and DTAR for ease of cross-referencing and use. The DTAP applies to all acquisitions of supplies and services involving the obligation of appropriated or non-appropriated funds. Each Bureau or office is required to use the DTAP to ensure adherence to Treasury-specific policy and procedure. The DTAP must be used in conjunction with the DTAR and FAR to ensure adherence to all Treasury policy and federal procurement regulations.

Iris B. Cooper
Senior Procurement Executive

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The following reflects the technical amendments made under this version of the subject edition.

10001.301-7002 is revised to correct the numbering as follows: From: "10001.301-7002" To: "1001.301-7002"	1008.002-70(b)(2)(ii) is revised as follows: From: "...requirements of 1017.7001(d) ..." To: "...requirements of 1008.002-70(d)..."	1019.502(a) and (d) are revised as follows (two times): From: "...SDVOSB..." To: "...SDVOSB concerns..."
10001.301-7102 is revised to correct the numbering as follows: From: "10001.301-7102" To: "1001.301-7102"	1008.405-1(g)(7) is revised as follows: From: "...SDVOSBs or HUBZone concerns..." To: "...SDVOSB concerns or HUBZone small business concerns..."	1019.502(c)(4) is revised as follows (two times): From: "...HUBZone and/or SDVOSB small business concerns..." To: "...HUBZone small business concerns and/or SDVOSB concerns..."
1002.101 is revised as follows: From: "Head of Contracting Activity (HCA)..." To: "Head of the Contracting Activity (HCA)..."	1008.405-2(f)(11) is revised as follows: From: "...SDVOSBs or HUBZone concerns..." To: "...SDVOSB concerns or HUBZone small business concerns..."	1019.502(b) and (c) are revised as follows (five times): From: "...HUBZone and SDVOSB small business concerns..." To: "...HUBZone small business concerns and SDVOSB concerns..."
1002.70-1 is revised as follows: From: "Head of Contracting Activity (HCA)" To: "Head of the Contracting Activity (HCA)"	1008.405-5(c) is revised as follows: From: "...SDVOSBs and HUBZone concerns..." To: "...SDVOSB concerns and HUBZone small business concerns..."	1020 is revised as follows: From: " CHAPTER 1020 [RESERVED] " To: " PART 1020 [RESERVED] "
1003.705(a)(2) is removed in its entirety.	1010.002(e)(2) is revised as follows: From: "...Bureaus may use this form for acquisitions at or below the SAT as well." To: "...Bureaus may use this form for acquisitions at or below the SAT as well. See 1004.7004 for OSDDBU requirements."	1021 is revised as follows: From: " CHAPTER 1021 [RESERVED] " To: " PART 1021 [RESERVED] "
1003.705(b) is added as follows: "(b) The SPE is the authorized designee to make these decisions."	1013.201(a) is revised to correct the hyperlink as follows: "See 1001.672 for details..."	1025.103 is revised to add the following: "(b)(1)(iii)(C) Prior to submitting a copy of the determination to the appropriate council identified in

		FAR 1.201-1 , the CO shall submit it to the SPE for review and approval in accordance with 1001.7000(a) .”
1005.202(a)(1) is revised as follows: From: “...shall submit to the...” To: “...shall submit the...”	1013.201(g)(1) is revised as follows: From: “...with...” To: “...without...”	1030.202-2 is revised as follows: From: “...with 1001.7000(b) . .” To: “...with 1001.7000(b) .”
1006.502(c)(2) is revised as follows: From: “...\$650,000...” To: “...\$700,000...”	1016.504(c)(1)(ii)(D)(1) is revised as follows: From: “...103 million...” To: “...112 million...”	Add part 1040 as follows: “PART 1040 [RESERVED]” There is no DTAP text implementing or supplementing FAR part 40.”
1008.002(a) is revised as follows: From: “...in accordance with 1017.7001(b) .” To: “...in accordance with 1008.002-70.”	1019.202-70-1(a) is revised as follows: From: “...veteran-owned small business (VOSB) concern...and WOSBs concerns.” To: “...veteran-owned small business (VOSB) concerns...and WOSB concerns.”	1050.102-1 is revised as follows: From: “The ASM...” To: “...The ASM/CFO...”

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**PART 1001—DEPARTMENT OF THE TREASURY ACQUISITION
PROCEDURES SYSTEM**

SUBPART 1001.1—PURPOSE, AUTHORITY, ISSUANCE

1001.101 Purpose.

See [DTAR 1001.101 Purpose](#) for Treasury's requirement. The Department of Treasury Acquisition Procedures (DTAP) is issued by the Senior Procurement Executive (SPE). The DTAP establishes Treasury's uniform department-wide acquisition policies and procedures, which implement or supplement the [Federal Acquisition Regulation \(FAR\)](#), [Department of the Treasury Acquisition Regulation \(DTAR\)](#), and other agency regulation and statutory requirements. The DTAP is not a complete system of policies and procedures and shall be used in conjunction with the FAR, DTAR and other agency regulations and statutory requirements.

1001.102 Statement of guiding principles for the Federal Acquisition System.

(d) The FAR, DTAR, and these supplemental DTAP are to be construed liberally to achieve optimum benefit and maximum value for all Treasury acquisitions, and subsequent actions pursuant thereto should be consistent with statutory and regulatory requirements, policy, and sound business judgment.

1001.103 Authority

The DTAP is issued pursuant to [Treasury Directive 12-11, "Authorities of the Senior Procurement Executive."](#)

1001.104 Applicability.

See [DTAR 1001.104 Applicability](#) for Treasury's requirement. The DTAP applies to all acquisitions involving the obligation of appropriated or non-appropriated funds.

1001.105 Issuance.

See [DTAR 1001.105 Issuance](#) for Treasury's requirement.

1001.105-1 Publication and code arrangement.

See [DTAR 1001.105-1 Publication and code arrangement](#) for Treasury's requirement. The DTAP is issued electronically and available at <http://www.treasury.gov>.

1001.105-2 Arrangement of regulations.

See [DTAR 1001.105-2 Arrangement of regulations](#) for Treasury's requirement.

1001.105-270 Arrangement of DTAP.

(a) *General.* The DTAP is divided into parts (each of which covers a separate aspect of acquisition), subparts, sections, and subsections.

(b) *Numbering.* (1) The DTAP conforms to the arrangement and numbering system prescribed by [FAR 1.105](#). The DTAP addresses the specific paragraphs for which supplementation or implementation applies. For example, this paragraph supplements

[FAR 1.105-2\(b\)\(1\)](#); therefore, the only paragraphs cited in DTAP 1001.105-270 are paragraphs (b) and (1).

(2) DTAP coverage is identified by the prefix "10" and followed by the complete DTAP cite which may be down to the subparagraph level (e.g., DTAP 1001.105-3).

(3) Coverage in the DTAP that supplements the FAR will use subchapter, section and subsection numbers ending in "70" and up (e.g., DTAP 1001.202-70).

(4) Coverage in the DTAP, other than that identified with a "70" or higher number, that implements the FAR or DTAR will use the identical number sequence and caption of the FAR or DTAR segment being implemented which may be down to the subparagraph level (e.g., DTAP 1001.105-3(a)).

(c) *References and citations.* The DTAP may be referred to as the Department of the Treasury Acquisition Manual or the DTAP. Cross references to the FAR, DTAR, or DTAP in this manual will be cited by "FAR", "DTAR", or "DTAP" followed by its numbered cite. As an electronic document, the DTAP contains many links (identified by blue print) to the word or term referenced in the text.

1001.105-3 Copies.

(a) See [DTAR 1001.105-3 Copies](#) for Treasury's requirement. The DTAR is issued electronically and a loose-leaf version may be downloaded at <http://www.eCFR.gov>. No hardcopy distribution of the DTAR will be made. The DTAP is issued electronically and a loose-leaf version may be downloaded at <http://www.treasury.gov>. No hardcopy distribution of the DTAP will be made.

1001.106 OMB Approval under the Paperwork Reduction Act.

See [DTAR 1001.106 OMB Approval under the Paperwork Reduction Act](#) for Treasury's requirement. Bureaus seeking to establish an information collection other than those prescribed by the [DTAR 1001.106](#) shall submit a request for review and approval to the SPE in accordance with [1001.7000\(a\)](#).

SUBPART 1001.2—ADMINISTRATION

1001.202-70 Departmental Compliance with the FAR, DTAR, and DTAP.

Treasury personnel with questions concerning the FAR, DTAR, and DTAP may utilize the staff list available at [OPE's SharePoint site](#) to identify the appropriate individual to contact within the Office of the Procurement Executive (OPE) for assistance.

SUBPART 1001.3—AGENCY ACQUISITION REGULATIONS

1001.301 Policy.

(a)(1) See [DTAR 1001.301 Policy](#) for Treasury's requirement

(a)(2) The DTAP establishes internal Treasury acquisition policies and procedures for all acquisition activities in the Department. If there is any conflict between the codified DTAR and the language reproduced in the DTAP, the codified DTAR governs or takes precedence.

1001.301-70 Amendment to the DTAR.

1001.301-7001 Definition.

“Acquisition Bulletin (AB)” means a document signed by the SPE for the purposes of amending the DTAR prior to formal publication and codification of the agency requirement as prescribed by [FAR 1.301](#). For example, an AB might include a deviation as defined in [FAR 1.401](#) in order to address an agency requirement.

1001.301-7002 General.

(a) The SPE will issue ABs as determined to be necessary to address agency acquisition requirements as prescribed by [FAR 1.401](#).

(1) *Effective date.* ABs will contain the effective date of the amendment to the DTAR.

(2) *AB numbering.* ABs will be numbered consecutively on a fiscal year basis beginning with number "01" prefixed by the fiscal year (e.g., 15-01).

(b) Treasury personnel may submit to OPE recommendations for the purpose of amending the DTAR to OfficeoftheProcurementExecutive@treasury.gov.

1001.301-71 Amendment to the DTAP.

1001.301-7101 Definition.

“Acquisition Procedure Updates (APU)” means a document signed by the SPE for the purposes of amending the DTAP prior to the issuance of a new edition to the DTAP.

1001.301-7102 General.

(a) The SPE will issue APUs as determined to be necessary in order to address agency acquisition requirements.

(1) *Effective date.* APUs will contain the effective date of the amendment to the DTAP.

(2) *APU numbering.* APUs will be numbered consecutively on a fiscal year basis beginning with number "01" prefixed by the fiscal year (e.g., 15-01).

(b) Treasury personnel may submit to OPE recommendations for the purpose of amending the DTAP to OfficeoftheProcurementExecutive@treasury.gov.

1001.303 Publication and codification.

The DTAR is codified under chapter 10 in Title 48, Code of Federal Regulations. Bureau supplements must parallel the FAR and DTAR numbering, except Bureau supplemental numbering shall use numbering of 90 and up, instead of 70 and up.

1001.304 Agency control and compliance procedures.

(a) See [DTAR 1001.304 Agency control and compliance procedures](#) for Treasury’s requirements. The DTAP is under the direct oversight and control of the Treasury’s Office of the Procurement Executive (OPE), which is responsible for the evaluation, review, and issuance of all Department-wide acquisition regulations and guidance. Treasury’s goal is to ensure the DTAR and DTAP are consistent with FAR

unless the FAR prescribes otherwise. Due to the lead-time necessary to implement FAR changes, conflict or inconsistency may exist. In those cases, the FAR takes precedence over the DTAR and DTAP.

(b)(1) *Bureau acquisition regulation.* HCAs may issue acquisition regulations as necessary to implement or supplement the FAR, DTAR or DTAP. Prior to establishing such acquisition regulation the Bureau shall forward it to the SPE for approval in accordance with [1001.7000\(a\)](#).

(i) Bureau acquisition regulation shall be electronically accessible.

(ii) The HCA is responsible for ensuring a plan is established for developing, maintaining, and ensuring Bureau personnel compliance with Bureau issued acquisition regulation.

(2) *Bureau acquisition procedures.*

(i) BCPOs may publish local acquisition procedures unique to the Bureau to supplement the FAR, DTAR or DTAP as necessary for the sound functioning of its acquisition function. Bureau acquisition procedures shall-

(A) Be developed only to the extent necessary to fully implement and execute FAR, DTAR and DTAP requirements;

(B) Contain no material which duplicates, unless necessary for clarity, repeats, paraphrases, restates, or is inconsistent with content contained in the FAR, DTAR or DTAP;

(C) Contain no content except as required by law or as provided in [FAR subpart 1.4](#), that is in conflict or inconsistent with content contained in the FAR;

(D) Be reviewed regularly for currency, accuracy and continued necessity, and approved in accordance with Bureau procedures;

(E) Be consistent with the policies and procedures of the FAR, DTAR and DTAP and other Treasury guidance and follow the format, arrangement, and numbering as specified in 1001.105-270 and 1001.303 to the extent practicable; and

(F) Be electronically accessible.

(ii) The HCA is responsible for ensuring that BCPOs comply with paragraph (i) above and have an established plan for developing, maintaining, and ensuring compliance with Bureau issued acquisition procedures.

(c) The SPE is responsible for recommending regulations or clauses for inclusion into the FAR. Coverage not peculiar to Treasury, particularly those involving uniform and policies and procedures with potential for implementation on a federal government-wide basis, shall be forwarded to the SPE in accordance with [1001.7000\(a\)](#).

SUBPART 1001.4—DEVIATIONS FROM THE FAR

1001.403 Individual deviations.

See [DTAR 1001.403 Individual deviations](#) for Treasury's requirements. Requests for individual deviation, with all justifications, shall be submitted to the SPE in accordance with [1001.7000\(a\)](#) using the format prescribed by [1001.470](#). The Contracting Officer (CO) shall include a copy of the approved individual deviation in the contract file.

1001.404 Class deviations.

(a) See [DTAR 1001.404 Class deviations](#) for Treasury's requirements. The SPE will furnish a copy of each approved class deviation to the FAR Secretariat. Requests for a class deviation, with all justifications and number of contracts affected, shall be submitted to the SPE in accordance with [1001.7000\(a\)](#) using the format prescribed by [1001.470](#). COs shall include a copy of the approved class deviation in each contract file.

1001.470 Deviation request format.

A deviation request shall clearly set forth the—

- (a) Identification of the citation of the specific part of the FAR, DTAR, or DTAP from which a deviation is needed;
- (b) Nature of the deviation, including, if applicable, what contract(s) or contractor(s) involved;
- (c) Reasons for the action requested;
- (d) Circumstances under which the deviation will be used;
- (e) Suggested wording for the deviation, if applicable;
- (f) Intended impact of the deviation;
- (g) Identification if the request is an individual or class deviation request;
- (h) Indication which paragraphs of FAR 1.401 best categorized the deviation; and
- (i) Period of applicability.

SUBPART 1001.6—CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

1001.601 General.

[Treasury Order 101-30, Designation of "Head of Agency" for Procurement Matters](#), delegates authority from the Secretary to the Assistant Secretary for Management and Chief Financial Officer (ASM/CFO) as Head of the Agency. [Treasury Directive 12-11, Authorities of the Senior Procurement Executive](#), in turn, re-delegates certain authorities from the ASM/CFO to the SPE.

The SPE hereby re-delegates procurement authority, except where prohibited by law, regulation, or policy to the Bureau HCAs as set forth in Table 1 below. The Bureau HCA is responsible for the operation and oversight of a procurement system that is in compliance with applicable laws, regulations, policies, standards, and performance goals to carry out their delegated procurement authority to support the office or offices designated in Table 1 below. Each HCA, in consultation with the SPE, will appoint a single BCPO as the senior procurement official at his or her Bureau. The BCPO shall be responsible for executing the procurement authority assigned to the HCA in Table 1 below except for functions retained by the HCA, or except where prohibited by law, regulation, or policy, or otherwise delegated pursuant to [1001.603-3\(b\)](#). The HCA shall hold the BCPO accountable for performance commitments furnished by the SPE. The HCA shall be the recommending or approving authority for BCPO performance unless a different arrangement is authorized by the SPE in writing. Any request for procurement

support to be provided by other than the contracting activity designated in Table 1 below shall be executed in accordance with part [1017.5](#).

The changes in delegation address procurement authority only, and are not intended to involve or require the transfer of budgetary resources. For a Bureau HCA fulfilling these responsibilities on behalf of another component of Treasury, HCA duties will be performed on a reimbursable basis unless other arrangements are made through the budget process.

Table 1

<u>Bureau HCA</u>	<u>Authority and Designated Contracting Office¹</u>
Comptroller of the Currency (OCC)	Authority conferred through 12 U.S.C. 5416 to award and administer contracts on behalf of the OCC
Director, Bureau of Engraving and Printing (BEP)	Award and administer contracts on behalf of BEP, excluding Information Technology contracts
Deputy Commissioner for Operations Support, Internal Revenue Service (IRS)	Award and administer contracts on behalf of the IRS and Departmental Offices (DO) ² Award and administer Information Technology contracts on behalf of BEP.
Director, United States Mint	Award and administer contracts for products and services unique to U.S. Mint operations and programs in accordance with the 12 th proviso of 31 U.S.C. 5136 .
Deputy Commissioner Accounting and Shared Services, Bureau of the Fiscal Service (BFS)	Award and administer contracts on behalf of BFS, FinCEN, and TTB Award and administer contracts on behalf of U.S. Mint for products and services that are not unique to U.S. Mint operations and programs pursuant to the 12 th proviso of 31 U.S.C. 5136 Award and administer contracts on behalf of other Treasury

	bureaus and other Agencies pursuant to the Franchise Fund (31 U.S.C. 322 note)
Inspector General (OIG)	Award and administer contracts on behalf of the OIG
Special Inspector General for Troubled Asset Relief Program (SIGTARP)	Authority conferred through 12 U.S.C. 5231 to award and administer contracts on behalf of the SIGTARP
Treasury Inspector General for Tax Administration (TIGTA)	Award and administer contracts on behalf of the TIGTA

¹ Delegated authority does not preclude awarding contracts on behalf of other agencies or organizations pursuant to the Economy Act ([31 U.S.C. 1535](#)) or similar authority.

² For historical reasons the following DO organizations obtain procurement support, and are aligned with the HCA of the Bureau of the Fiscal Service: Community Development Financial Institutions (CDFI), Office of Financial Research (OFR), Office of Financial and Information Technology (OFIT), and the Financial Stability Oversight Council (FSOC).

³ Unique U.S. Mint operations and programs are those related to the production, administration, distribution, marketing, purchase, sale, and management of coinage and numismatic items, and the protection and safeguarding of assets. Non-unique products and services generally include Telecommunications and Communications; Office Supplies and Equipment; Administrative, Management, and Technical Support Services; and Information Technology Hardware Software, and Support Services. The U.S. Mint HCA, or designee, in consultation with the SPE, shall determine which specific contracts or class of contracts is for products and services unique to U.S. Mint operations and programs.

Procurement authority may be vested in Treasury employees either through warrants (i.e. [Standard Form \(SF\) 1402, "Certificate of Appointment"](#)) or through written delegation of procurement authority (DPA). A [SF-1402](#) is required for procurement authority exceeding the micro-purchase threshold. A written DPA is required for micro-purchase authority (i.e. governmentwide commercial purchase card holder, convenience check holder) and ordering officer.

1001.602 Contracting Officers.

1001.602-2 Responsibilities.

(d) See [1001.670](#) for Treasury's requirements regarding the selection, appointment and termination of a Contracting Officer's Representative (COR).

1001.602-3 Ratification of unauthorized commitments.

(b)(2) Unauthorized commitments up to the simplified acquisition threshold (SAT) may be ratified by the BCPO. The BCPO for the IRS may delegate authority, without re-delegation, to the Area Chief Procurement Officers to ratify unauthorized commitments at or below \$15,000. Unauthorized commitments exceeding the SAT may be ratified by the SPE. Ratifications above the SAT shall be reviewed and approved by the Bureau head (e.g. for Departmental Offices, the ASM) where the unauthorized commitment was made and the HCA being asked to perform the ratification prior to being submitted to the SPE.

(i) Legal counsel review shall be obtained for all ratifications exceeding \$15,000.

(c)(7)(i) *Case file*. For purposes of processing the ratification of an unauthorized commitment a case file shall be prepared by the CO with information provided by the responsible program office for all ratifications above the micro-purchase threshold. The case file shall demonstrate that the circumstances set forth in FAR [1.602-3\(c\)\(1\) through \(c\)\(6\)](#) are met and include—

- (A) All relevant documents and facts concerning the unauthorized commitment;
- (B) The proposed modification/award with supporting documentation;
- (C) The name of the individual(s), who committed the unauthorized commitment;
- (D) Statement as to whether that individual has previously made any other unauthorized commitments, and if so the number of previous unauthorized commitments;
- (E) The proposed disciplinary action and/or other corrective action taken to preclude recurrence; and
- (F) A justification for the ratification.

The case file shall be reviewed and approved by an individual within the responsible program office at a sufficiently high level to ensure that appropriate administrative and/or disciplinary actions are carried out.

(ii) *Record keeping*. BCPOs shall maintain a log on both approved and unapproved requests for ratification of unauthorized commitments. The log shall include at a minimum—

- (A) Dollar amount of the unauthorized commitment;
- (B) Name of the individual who committed the unauthorized commitment;
- (C) Indication if the unauthorized commitment was approved or unapproved;
- (D) Name of the ratifying official; and
- (E) Name of the vendor.

1001.603 Selection, appointment, and termination of appointment for contracting officers.

1001.603-1 General.

The Bureau HCA with authority to delegate no lower than the BCPO is authorized via [1001.601](#) to select and appoint COs and to terminate such appointments. BCPOs are responsible for establishing Bureau procedures regarding the nomination, monitoring and termination process. The following represent the warrant levels established by the SPE for use by Treasury in the appointment of COs. These warrant levels require the individual to meet the standards described in [1001.603-2\(a\)](#) and [1001.603-5](#) for purposes of obtaining and maintaining a warrant respectively.

- **LEVEL 1** - Acquisitions up to the simplified acquisition threshold;
- **LEVEL 2** - Acquisitions up to \$1 million; and
- **LEVEL 3** - Acquisitions greater than \$1 million and up to \$25 million; and

- **LEVEL 4** - Acquisitions greater than \$25 million up to no monetary limitations (also known as an unlimited warrant).

The Bureau HCA, or designated BCPO, may further limit procurement authority at their discretion.

The goal is not to have all contracting professionals obtain warrants; instead, Bureaus are strongly encouraged to consider the breadth and depth of the organizational need; thereby ensure the Bureau has the appropriate number, type (e.g. permanent vs. temporary) and mix (e.g. dollar threshold and complexity) of warranted individuals to meet the organizational need. See [OFPP Memorandum, Revisions to the Federal Acquisition Certification in Contracting \(FAC-C\), dated May 7, 2014](#).

An individual shall meet the requirements prescribed in [FAR 1.603-2](#) and [1001.603-2](#) for consideration of becoming a CO.

1001.603-2 Selection.

Procurement authority shall be delegated only when valid organizational need can be demonstrated. Furthermore, the ability for an individual to obtain a FAC-C certification does not in itself equate to an individual being selected for or even appointed as a CO or delegated procurement authority nor does the level of FAC-C certification achieved necessarily correspond to the warrant level or dollar limit approved by the appointing official. The appointing official shall ensure the candidate meets the following requirements consistent with the warrant level being sought.

LEVEL 1 - *GS-1102 series employees ONLY*. The education, experience, mandatory training, and elective training requirements for FAC-C Level I must be met, and the individual must have obtained a FAC-C Level I certification.

LEVEL 2 - *GS-1102 series employees ONLY*. The education, experience, mandatory training, and elective training requirements for FAC-C Level II must be met, and the individual shall have obtained a FAC-C Level II certification.

LEVEL 3 - *GS-1102 series employees ONLY*. The education, experience, mandatory training, and elective training requirements for FAC-C Level III must be met, and the individual shall have obtained a FAC-C Level III certification.

LEVEL 4 - *GS-1102 series employees ONLY*. The education, experience, mandatory training, and elective training requirements for FAC-C Level III must be met, and the individual shall have obtained a FAC-C Level III certification.

1001.603-3 Appointment.

(a) SF-1402s and associated Delegation of Authority letters shall be re-issued when there is any change to the appointment (e.g. name change, dollar limitation). No pen and ink changes are allowed. The Delegation of Authority letter is a binding

authorization and requires an original acknowledgement signature and date from the individual.

(1) *Record keeping.* The BCPO shall maintain a warrant file for each CO. The warrant file shall, at a minimum, contain: a copy of the SF-1402 and Delegation of Authority letter, including any revisions; any documentation regarding the individual's performance while serving within this role; and copy(ies) of the FAC-C certificate. Warrant files regarding terminated COs shall also be maintained for a time period established by Bureau policy.

(2) *Current unlimited warrant holders (those issued prior to October 1, 2014).* Current warrant holders holding an unlimited warrant who do not meet the education, training, certification requirements, must relinquish their unlimited warrants by October 1, 2014.

1001.603-4 Termination.

Other reasons for termination are for discontinuance of the organization's need for the appointment, failure to comply with applicable laws and regulations, failure to complete CLP requirements as prescribed in the Department of the Treasury Acquisition Certification Management Program Handbook, or violation of the standards of conduct for employees of the executive branch (see [5 C.F.R. Part 2635](#)).

1001.603-5 Skills currency.

(a) COs are required to complete the CLP requirements as specified in the Department of the Treasury Acquisition Certification Management Program Handbook along with any Bureau established requirements in order to maintain their warrant. See [1001.603-4](#) for the consequence for failing to complete CLP requirements.

1001.603-6 Review and Certification.

(a) *Review.* The BCPO shall periodically examine no less than on an annual basis those individuals issued warrants in order to identify any changes that need to be made (e.g. termination, decrease in warrant); thereby ensure the Bureau has the appropriate number, type (e.g. permanent vs. temporary) and mix (e.g. dollar threshold and complexity) of warranted individuals required to support the Bureau's mission going forward. The SPE may request the results of these reviews.

(b) *Review Certification.* The BCPO shall submit to the SPE by February 15th of each fiscal year, unless another timeframe is prescribed by the SPE, a certification using the below format.

BCPO WARRANT CERTIFICATION

This is to certify that I have completed a review off all individuals issued a warranted within *[insert name of Bureau]* and that, to the best of my knowledge and belief individuals holding a warrant effective *[insert day after review has been completed]* are in compliance with all the requirements prescribed in the Department of the Treasury Acquisition Certification Management Program Handbook, DTAR and

DTAP, and are the appropriate number, type and mix of warranted individuals required to support the Bureau's mission going forward.

Bureau _____

Signature _____

Name _____

Title _____

Date of execution _____

1001.604 Contracting Officer's Representative (COR).

The COR contract file contains records relating to his or her COR duties during the life of a contract and shall be maintained either in hard copy, electronically, or both. The COR is charged with safeguarding all procurement sensitive, business sensitive, and proprietary information in the COR contract files. The COR shall dispose of COR contract files as directed by the CO.

- (d) Copy of the contract and/or delivery or task order and all modifications;
- (e) Quality assurance records, along with results or action taken based on results of surveillance;
- (f) Contract personnel security information, non-disclosure agreements;
- (g) Contractor reports and data deliverables;
- (h) Documentation pertaining to the COR's receipt, inspection, and acceptance (or rejection) of services performed and/or supplies delivered, including receipts, reports, test results, and other supporting data;
- (i) Correspondence, reports, and other documentation or data (e.g. meeting minutes, site visit, telephone conversation log) concerning performance of the contract; and
- (j) Other pertinent documentation.

1001.670 Selection, appointment, and termination of Contracting Officer's Representative (COR).

1001.670-1 General.

The Department of the Treasury Acquisition Certification Management Program Handbook, or any successor, provides the policy and procedures concerning the competencies, training, experience, continuous learning requirements, certification and other requirements of becoming a COR. All CORs shall be formally appointed in writing by the CO to each contract for which he or she has been delegated COR duties. COR duties shall be tailored to the requirements of each contract and specifically identified in the written appointment. BCPOs may establish Bureau supplemental procedures for the nomination, appointment and termination of CORs.

(a) In very limited instances a CO may retain and execute the contract administration functions in accordance with [FAR subpart 42.3](#). This may be appropriate when administration of the contract does not require complex technical knowledge or when the CO has sufficient time and training to personally monitor the contractor's performance. Exceptions to the requirement for the appointment and subsequent inclusion of the clause at [DTAR 1052.201-70, Contracting Officer's Representative \(COR\) Appointment and Authority](#) may be made at the discretion of the BCPO according to Bureau policy.

1001.670-2 Nomination.

A COR shall be nominated in writing by his/her supervisor. The COR nomination shall be submitted as soon as practicable during the procurement process, but no later than prior to contract award. The nominating office is responsible for:

(a) Ensuring that the individual nominated for the COR position possesses the competencies, training and experience requirements (including appropriate level of certification), commensurate with the complexity of the acquisition (see Chapter 5 of the Department of the Treasury Acquisition Certification Management Program Handbook for a table on determining the level of certification needed based on the contract type/ complexity level) and duties and responsibilities to be delegated, including evaluating contract performance and deliverables; and

(b) Using the Bureau established form for purposes of submitting the nomination.

(1) Each COR nomination package shall include, in addition to the nomination letter, at a minimum, a copy of the individual's current FAC-COR certification.

1001.670-3 Appointment.

Appointment of CORs to a contract is the responsibility of the CO. Prior to appointment, the CO shall review the COR nomination package to ensure the individual being nominated for the COR position of the contract possesses the competencies, training and experience requirements (including appropriate level of certification), commensurate with the complexity of the acquisition (see Chapter 5 of the Department of the Treasury Acquisition Certification Management Program Handbook for a table on determining the level of certification needed based on the contract type/ complexity level) and duties and responsibilities to be delegated, including evaluating contract performance and deliverables. Only those individuals meeting these requirements are to be appointed.

(a) The CO appoints a COR by issuing a signed letter of appointment tailored to the needs of the contract. Before an individual accepts an appointment as a COR, the CO and the individual shall jointly review all required duties. The individual shall then either sign the appointment letter acknowledging their acceptance of the appointment or notify the CO that they do not accept the appointment. BCPOs shall ensure where an individual is appointed as a COR on more than one contract, separate COR appointment letters are issued for each contract.

(1) BCPOs may establish within their procedures the ability to appoint an alternate COR for a contract. In these cases, the appointment letter shall clearly describe the role and responsibility of the alternate COR.

(b) Once a COR is appointed, the CO shall send a copy of the appointment letter to the contractor and to the COR's first line supervisor. The CO shall include a copy of the signed appointment letter in the contract file.

(c) CORs do not have the authority to re-delegate their appointment.

(d) If there is a change in personnel performing as the COR, prior to contract close-out, the CO shall—

(1) Terminate the current COR appointment (see 1001.670-4);

(2) Request the program office to nominate a new individual to fulfill the function of COR;

(3) Issue a new appointment letter for the newly nominated COR, and

(4) Modify the contract to reflect the change in the individual appointed as the COR, inclusive of modifying the clause at [DTAR 1052.201-70, Contracting Officer's Representative \(COR\) Appointment and Authority](#) to name the newly assigned COR.

1001.670-4 Termination of appointment.

Terminations may be for reasons such as reassignment, termination of employment, or unsatisfactory performance. No termination shall operate retroactively.

(a) The CO terminates a COR appointment by—

(1) A letter to the COR, unless the appointment letter contains other provisions for automatic termination and

(2) Associated contract modification; or

(3) Written determination by the CO prior to contract close out that all COR actions are complete.

1001.670-5 Contract clause.

See [DTAR 1001.670 Contract clause](#) for Treasury's requirements.

1001.671 Selection, appointment, and termination of Ordering Officers.

1001.671-1 General.

This policy applies only to non GS-1102 Treasury employees.

(a) HCAs may determine that the appointment of individuals to serve as ordering officers is essential for the operation of the Bureau's contracting mission and in the achievement of the Bureau's mission. The authority to appoint ordering officers may be further delegated by the HCA to no lower than the BCPO.

(b) Authority to appoint ordering officers is limited to solely to blanket purchase agreements and indefinite delivery indefinite quantity (ID/IQ) contracts awarded by Treasury that permit the ordering of defined items of supplies or services for use by Treasury at fixed prices set forth in the agreement or contract, and that have terms and conditions that permit the placement of orders by individuals other than the CO. Ordering officers are not authorized to negotiate, determine price reasonableness, modify or interpret contract terms, or determine best value. Ordering officers are not COs.

(c) Delegation of procurement authority (DPA) to ordering officers cannot exceed the SAT.

1001.671-2 Selection.

(a) In selecting ordering officers, the appointing official shall ensure that individuals nominated to serve as ordering officers possess the necessary skills and abilities to successfully perform the assigned duties. The appointing officer shall consider the complexity and dollar value of the BPA or IDIQ to be assigned, the anticipated duties of the ordering officer, and the candidate's experience, education and training. Examples of selection criteria include—

- (1) Experience in or knowledge of Government contracting and administration;
- (2) Education or special training in business administration, law, accounting, engineering, or related fields;
- (3) Knowledge of acquisition policies and procedures; and
- (4) Specialized knowledge with the proposed assignment.

(b) Minimum experience, education, training and certification requirements for ordering officers are addressed in the Department of the Treasury Acquisition Certification Management Program Handbook. The HCA has the authority to establish additional requirements, which are considered relevant to meet Bureau needs or a particular contract(s).

1001.671-3 Appointment.

(a) *General.*

(1) Ordering officers shall be appointed in writing via a DPA, which shall contain but not limited to—

- (i) The name of the individual;
- (ii) The scope of the ordering officer's duties;
- (iii) The BPA(s) or IDIQ(s) award numbers being assigned;
- (iv) Award details such as but not limited to: items authorized to be ordered, CLIN information, and ordering instructions;
- (v) Any limitation on the scope of authority to be exercised other than those limitations contained in applicable law or regulation; and
- (vi) The dollar amount of the procurement authority being delegated.

(2) Bureaus may use the form located at [1053.201-2\(b\)](#) for purpose of issuance of the DPA.

(3) DPAs shall be re-issued when there is any change to the delegation (e.g. name change, limitation or duties). No pen and ink changes are allowed. The DPA is a binding authorization and requires an original acknowledgement signature and date from the individual.

(4) Individuals appointed as ordering officers shall be provided a copy of their DPA.

(b) For a DPA exceeding the micro-purchase threshold, when determined by the appointing official to be appropriate in certain limited circumstances, the appointing official shall—

(1) Justify the need for delegation of procurement authority exceeding the micro-purchase threshold to a non-GS-1102;

(2) Determine that delegation of procurement authority exceeding the micro-purchase threshold is the method that is most advantageous to the government for procuring the items specified;

(3) Describe in writing the methods to be used to monitor the individual's purchases to ensure compliance with applicable procurement regulations, and to assess periodically the need for continuation of their delegated procurement authority; and

(4) Appoint a CO to work with the individual to train, oversee and periodically assure timely and appropriate file documentation, including appropriate use of Treasury and integrated acquisition environment systems as well as compliance with all FAR, DTAR and DTAP requirements applicable to above the micro-purchase threshold.

1001.671-4 Surveillance and compliance.

Bureau policies and procedures shall include at a minimum—

(a) A requirement for inspection or review (e.g. physical inspection, annual reviews) of activities of ordering officials to ensure compliance with policies, operating within the scope and limitations of the authority delegated, and demonstration of sound judgment;

(b) Record keeping requirements of inspection and review findings; and

(c) Description of action(s) to be taken if an ordering officer is found not to be properly performing assigned duties or is failing to take prompt action to correct deficiencies noted in inspections or reviews.

1001.671-5 Termination.

(a) Termination of an ordering officer appointment will be by letter, unless the DPA contains other provisions for automatic termination.

(b) Terminations may be for reasons such as reassignment, termination of employment, discontinuance of the organization's need for the appointment; failure to comply with applicable laws and regulations; failure to complete CLP requirements as prescribed in the Department of the Treasury Acquisition Certification Management Program Handbook (see 1001.671-6); violation of the standards of conduct for employees of the executive branch (see [5 C.F.R. Part 2635](#)); or unsatisfactory performance. Ordering officer appointments shall automatically terminate upon failure to maintain training currency. No termination shall operate retroactively.

1001.671-6 Skills currency.

Individuals serving as ordering officers are required to complete the CLP requirements as specified in the Department of the Treasury Acquisition Certification Management Program Handbook along with any Bureau established requirements in order to maintain their DPA. See 1001.671-5 for the consequence for failing to complete CLP requirements.

1001.671-7 Documentation and record keeping.

(a) BCPOs shall maintain files for all appointments which shall include, at a minimum—

(1) A copy of the DPA, including any revisions;

(2) Any documentation regarding the individual's performance serving within this role; and

(3) Copies of training certificates and any other information deemed relevant.

(b) BCPOs shall maintain files regarding individuals nominated as well as terminated appointments for a time period established by Bureau policy.

1001.671-8 Current Ordering Officer DPA holders (those issued prior to October 1, 2015).

Bureaus shall conduct an assessment of current ordering officer DPA holders to ensure each individual meets the requirements described in the Department of the Treasury Acquisition Certification Management Program Handbook and there is still an organizational need and take action based on the results. Current ordering officer DPAs shall be reissued within twelve months of October 1, 2015.

1001.672 Governmentwide Purchase Cardholders.

1001.672-1 General.

(a) Governmentwide purchase card authority shall be made by written DPA (within the IRS only, DPAs may be issued by the BCPO or by an official designated by the HCA).

(b) The scope of delegated authority shall be limited to only: those actions necessary to support the program office to which the individual is assigned, dollar limitations based upon verifiable relevant experience and be subject to Bureau procurement office oversight of all actions over the micro-purchase threshold.

1001.671-2 Selection.

See Treasury policies and procedures governing the Governmentwide commercial purchase card program as defined in the "Charge Card Management Plan, Purchase Card Program" and the Department of the Treasury Acquisition Certification Management Program Handbook for insight into selection criteria.

1001.671-3 Appointment.

(a) General.

(1) The written DPA shall contain but not limited to—

(i) The name of the individual;

(ii) Dollar limits on transaction authority (e.g. single transaction and monthly usage);

(iii) Describe the scope of duties including any Bureau-specific limits on types of purchases; and

(iv) Any other limitations on the scope of authority to be exercised other than those contained in applicable law or regulation.

(2) Bureaus may use the form located at [1053.201-2\(a\)](#) for purpose of issuance of the DPA.

(3) DPAs shall be re-issued when there is any change to the delegation (e.g. name change, limitation or duties). No pen and ink changes are allowed. The DPA is

a binding authorization and requires an original acknowledgement signature and date from the individual being issued the DPA.

(4) Individuals shall be provided a copy of their DPA.

(5) An SF-1402 is required when Governmentwide purchase card procurement authority exceeds the micro-purchase threshold.

(b) For a DPA exceeding the micro-purchase threshold when determined to be appropriate in certain limited circumstances, the appointing official shall—

(1) Justify the need for delegation of procurement authority exceeding the micro-purchase threshold to a non-GS-1102;

(2) Determine that delegation of procurement authority exceeding the micro-purchase threshold is the method that is most advantageous to the government for procuring the items specified;

(3) Describe in writing the methods to be used to monitor the individual's purchases to ensure compliance with applicable procurement regulations, and to assess periodically the need for continuation of their delegated procurement authority; and

(4) Appoint a CO to work with the individual to train, oversee and periodically assure timely and appropriate file documentation, including appropriate use of Treasury and integrated acquisition environment systems and compliance with all FAR, DTAR and DTAP requirements applicable to above the micro-purchase threshold.

1001.672-4 Termination.

(a) Termination of a purchase card holder appointment will be by letter, unless the DPA contains other provisions for automatic termination.

(b) Terminations may be for reasons such as reassignment, termination of employment, discontinuance of the organization's need for the appointment; failure to comply with applicable laws and regulations; failure to complete CLP requirements as prescribed in the Department of the Treasury Acquisition Certification Management Program Handbook; violation of the standards of conduct for employees of the executive branch (see [5 C.F.R. Part 2635](#)); or unsatisfactory performance. Purchase cardholder appointments shall automatically terminate upon failure to maintain training currency. No termination shall operate retroactively.

1001.672-5 Skills currency.

Individuals serving as purchase cardholders are required to complete the CLP requirements as specified in the Department of the Treasury Acquisition Certification Management Program Handbook along with any Bureau established requirements in order to maintain their DPA. See [1001.672-4](#) for the consequence for failing to complete CLP requirements.

1001.672-6 Documentation and record keeping.

(a) BCPOs (within the IRS only "or by an official designated by the HCA") shall maintain a Governmentwide purchase card DPA file for each individual issued a DPA. The file shall, at a minimum, contain—

(1) The DPA, including any revisions;

- (2) If applicable, the associated SF-1402, including any revisions
 - (3) Any documentation regarding the individual's performance serving within this role; and
 - (4) Copies of training certificates and any other information deemed relevant.
- (b) Files regarding terminated DPAs and, if applicable, associated SF-1402s shall be maintained for a time period established by Bureau policy.

1001.672-7 Current Governmentwide Purchase Card DPA holders (those issued prior to October 1, 2014).

Bureaus shall conduct an assessment of current Governmentwide purchase card DPA holders to ensure each individual meets the requirements described in the Department of the Treasury Acquisition Certification Management Program Handbook as well as still meet the needs of the organization and take action based on the results. Current Governmentwide purchase card DPAs and if applicable, associated SF-1402s must be reissued within twelve months of October 1, 2014.

SUBPART 1001.70—OTHER DETERMINATIONS, WAIVERS, EXCEPTIONS, APPROVALS, REVIEWS, AND SUBMITTALS.

1001.7000 Coordination and approval.

(a) *Documents requiring SPE approval.* Requests shall be prepared in writing by the CO, reviewed by legal counsel, and submitted through the BCPO to the SPE for approval. If submission to the SPE is done via e-mail, the following e-mail address is also to be used: OfficeoftheProcurementExecutive@treasury.gov.

(b) *Documents requiring Agency Head approval.* Requests shall be prepared in writing by the CO, reviewed by legal counsel, and submitted through the BCPO to the SPE for review and transmittal to the Agency Head for approval. If submission to the SPE is done via e-mail, the following e-mail address is also to be used: OfficeoftheProcurementExecutive@treasury.gov.

(c) *Documents requiring SPE or Agency Head notification.* Required notifications to the SPE or Agency Head shall be prepared and submitted in accordance with (a) or (b) of this subpart, however action may proceed unless otherwise indicated. If submission to the SPE is done via e-mail, the following e-mail address is also to be used: OfficeoftheProcurementExecutive@treasury.gov.

PART 1002—DEFINITIONS

SUBPART 1002.1—DEFINITIONS

1002.101 Definitions.

See [DTAR 1002.101 Definitions](#) for Treasury's requirement.

(a) A word or a term, defined in this section, has the same meaning throughout this document, unless—

(1) The context in which the word or term is used clearly requires a different meaning; or

(2) Another FAR or DTAR or DTAP part, subpart, or section provides a different definition for the particular part or portion of the part.

(b) If a word or term that is defined in this section is defined differently in another part, subpart, or section of this document, the definition in—

(1) This section includes a cross-reference to the other definitions; and

(2) That part, subpart, or section applies to the word or term when used in that part, subpart, or section.

“Bureau Chief Procurement Officer (BCPO)” means the senior acquisition person at each headquarters office or Bureau as appointed by the HCA. Within the Internal Revenue Service, this may be the Director, Procurement or the Deputy Director, Procurement. See [1001.601](#)

“Bureau Senior Accountable Official (SAO)” means individuals designated in writing to implement management controls, policies, and oversight at their Bureau to ensure responsible stewardship of delegated procurement authorities. SAOs shall be at a sufficiently high level within their Bureau to ensure that appropriate administrative and/or disciplinary actions are carried out to protect the Department against fraud, waste, and abuse.

“Cognizant Inspective General (IG) authority” means the Bureau cognizant IG authority. TIGTA is the cognizant IG authority for IRS, SIGTARP is the cognizant IG authority for the Troubled Asset Relief Program (TARP) and the OIG is the cognizant IG authority for all other Bureaus and for the consolidated Department of Treasury.

“Environment, Health & Safety (EHS) concerns” include environmental, health and safety issues which could impact the environment and/or human health and safety as determined by either the Departmental Office of Environment, Health and Safety (OEHS) or bureau designated EHS professional, as enumerated in [Treasury Directive 75-09, “Environmental, Health, and Safety Management, Energy and Sustainability Program.”](#) Procurement requirements or potential procurements that have EHS concerns, include but are not limited to: hazardous materials, equipment with moving parts, construction, installation of equipment or electronics, and contract actions for products or services for which sustainable acquisition requirements under [FAR part 23](#) are relevant.

“Head of the Agency” for Treasury is the Assistant Secretary for Management and Chief Financial Officer as designated by [Treasury Order 101-30, Designation of "Head of Agency" for Procurement Matters](#).

“Head of the Contracting Activity (HCA)” for each Bureau with delegated procurement authority is delineated in [1001.601](#).

“High Impact Acquisition (HIA)” means a planned or existing procurement action meeting at least one of the criteria listed in [1046.7001\(a\)](#):

“Legal Counsel” means the Treasury or Bureau office providing legal services to the contracting activity.

“Senior Procurement Executive (SPE)” for the Department of the Treasury is the Director, the OPE.

“Strategic Sourcing Initiative” means a chartered project, sponsored by the SPE, to develop and implement a strategic sourcing strategy.

“Treasury Mandatory Source” means a contract vehicle or agreement determined by the SPE to be a mandatory source for all Treasury contracting activities (see subpart [1017.71](#)).

SUBPART 1002.70—ABBREVIATIONS

1002.70-1 Abbreviations.

See [DTAR 1002.70 Abbreviations](#) for Treasury’s requirement.

(a) An abbreviation, defined in this section, has the same meaning throughout this document, unless—

(1) The context in which the abbreviation is used clearly requires a different meaning; or

(2) Another FAR or DTAR or DTAP part, subpart, or section provides a different definition of the abbreviation for the particular part or portion of the part.

ASM	Assistant Secretary for Management
BCPO	Bureau Chief Procurement Officer
CFO	Chief Financial Officer
CO	Contracting Officer
COR	Contracting Officer’s Representative
D&F	Determination & Finding
DTAR	Department of Treasury Acquisition Regulation
DTAP	Department of Treasury Acquisition Procedures
GSA	General Services Administration
HCA	Head of the Contracting Activity
HIA	High Impact Acquisition

HUBZone	Historically Underutilized Business Zone
EHS	Environment, Health & Safety
E.O.	Executive Order
PBA	Performance-based acquisition
SBS	Small Business Specialist
SDB	Small Disadvantaged Business
SDVOSB	Service-Disabled Veteran-Owned Small Business
WOSB	Women-Owned Small Business
VOSB	Veteran-Owned Small Business

PART 1003—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

SUBPART 1003.1—SAFEGUARDS

1003.101-3 Agency regulations.

(a) Government-wide and Department of the Treasury regulations governing the conduct and responsibilities of employees are contained in [5 CFR Parts 2635](#) and [3101](#).

1003.104-1 Definitions.

As used in this section—

“Agency ethics official” The designated agency ethics official (DAEO) for Treasury is the Assistant General Counsel for General Law, Ethics, and Regulation (AGC-GLER). The alternate designated agency ethics official (ADAEO) is the Deputy Assistant General Counsel (Ethics) (see [Treasury Order 107-01, “Ethics in Government Act of 1978, As Amended”](#) and [Treasury Directive 61-06, “Responsibilities of the Designated Agency Ethics Official.”](#))

1003.104-7 Violations or possible violations.

(a)(1) The CO shall forward the information concerning the violation or possible violation along with the documentation supporting the CO’s determination that there is no impact on the procurement, after legal counsel review, to a level above the CO for concurrence.

(b)(3) Refer the information to the cognizant Inspector General (IG) authority.

(b)(5) The HCA shall make the recommendation to the SPE.

(d)(2)(ii)(B) The SPE shall make this determination.

(f) The CO shall prepare a memorandum of the facts and circumstances for the HCA’s signature, and place the signed document in the contract file. The HCA shall notify the SPE before authorizing the CO to make award or execute a modification (see [1001.7000\(c\)](#)).

SUBPART 1003.2—CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

1003.203 Reporting suspected violations of the gratuities clause.

(a)(1) The report shall be in writing and state the circumstances surrounding the incident and including, but not limited to: date(s), location(s), and name(s) of parties involved.

(b)(1) The CO shall submit the report to the BCPO, who shall consult with legal counsel, and determine if the case warrants submission to the cognizant IG authority, or other investigatory organization, and the SPE for further action.

1003.204 Treatment of violations.

(b)(1) The contractor shall be provided with a written notice which summarizes the events involving the suspected violation and reminds the contractor of the procedural protections listed in [FAR 3.204\(b\)](#). The notice shall contain a 30-day time limit for reply and be sent by certified mail, return receipt requested.

(c) The SPE is the authorized designee who can make these determinations.

SUBPART 1003.3—REPORTS OF SUSPECTED ANTITRUST VIOLATIONS.

1003.301 General.

(b) Evidence of any suspected antitrust violations shall be referred to legal counsel, and to the cognizant IG authority.

SUBPART 1003.4—CONTINGENT FEES

1003.405 Misrepresentations or violations of the Covenant Against Contingent Fees.

(a) Reports shall be in writing and state the circumstances surrounding the matter and including, but not limited to: date(s), location(s), and name(s) of parties involved.

(b) Prior to taking or directing one or more of the following, or other, actions, the BCPO shall consult with legal counsel and the cognizant IG authority to make that determination.

(b)(4) A copy of the referral shall be concurrently submitted to the SPE.

SUBPART 1003.6—CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

1003.602 Exceptions.

Requests for an exception to the policy in [FAR 3.601](#) shall be submitted to the SPE for approval in accordance with [1001.7000\(a\)](#).

SUBPART 1003.7—VOIDING AND RESCINDING CONTRACTS

1003.700 Scope of subpart.

(a)(2) The SPE is the authorized designee who can make this determination.

1003.703 Authority.

(a) The SPE is the authorized designee to make these decisions.

1003.705 Procedures.

(a) The BCPO shall promptly report the facts concerning any final conviction for any violation of [18 U.S.C. 201-224](#) involving or relating to agency contracts to the SPE for their consideration. The SPE shall promptly notify the Civil Division, Department of Justice that the action is being considered under this subpart.

(b) The SPE is the authorized designee to make these decisions.

SUBPART 1003.8—LIMITATION ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

1003.806 Processing suspected violations.

Information regarding suspected violations of [31 U.S.C. 1352](#) shall be reviewed by legal counsel and forwarded to the BCPO. A copy of the information provided to the BCPO shall be provided also to the SPE and to the cognizant IG authority.

SUBPART 1003.9 WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES

1003.905 Procedures for investigating complaints.

The HCA is delegated the responsibilities at [FAR 3.905](#).

1003.906 Remedies.

The HCA is delegated the authorities at [FAR 3.906](#).

1003.907-6 Remedies and enforcement authority.

The SPE is delegated the head of agency authorities identified in [FAR 3.907-6](#).

1003.908 Pilot program for enhancement of contractor employee whistleblower protections.

The SPE is delegated the head of agency authorities identified in [FAR 3.908](#).

SUBPART 1003.70—PROHIBITION ON RECOMMENDING OR REQUIRING SUBMISSION OF POLITICAL INFORMATION

1003.7001 Purpose. The purpose of this subpart is to implement provisions from Section 735 of the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) and any other Act, wherein such prohibition is included

1003.7002 Policy. For solicitations requesting offers for a federal contract that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) or any other Act, unless otherwise stated therein, neither contracting officers nor ordering officers shall recommend or require any entity to disclose any of the following information as a condition of submitting the offer:

(a) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(b) Any disbursement of funds (other than a payment described in paragraph (a)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (a).

(1) In this section, each of the terms “contribution”, “expenditure”, “independent expenditure”, “electioneering communication”, “candidate”, “election”, and “Federal office” has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

PART 1004—ADMINISTRATIVE MATTERS

SUBPART 1004.1—CONTRACT EXECUTION

1004.103 Contract clause.

The clause at [FAR 52.204-1, Approval of Contract](#) shall be inserted in each solicitation and contract where approval is required above the CO level. Bureaus shall establish procedures that cover when such instances would require the inclusion of this clause.

SUBPART 1004.4—SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

1004.402 General.

(a) Personnel security requirements are derived from Executive Order (E.O.) 10450; OMB Circular A-130, Management of Federal Information Resources; [TD P 15-71, Department of the Treasury Security Manual](#), Chapter II Section 2 and Chapter IV; and Titles 5 and 44 of the U.S. Code.

(b) The Treasury is a participant in the National Industrial Security Program. The Director, Office of Security, is delegated authority and responsibility for this function in accordance with [TD P 15-71, "Department of the Treasury Security Manual"](#). The manual is not proprietary and may be provided to contractors upon their request.

1004.403 Responsibilities of contracting officers.

(a)(2) The CO shall refer to the instructions provided in Chapter IV of [TD P 15-71, "Department of the Treasury Security Manual"](#) for Treasury procedures.

(b)(1) The CO shall refer to the instructions provided in Chapter IV of [TD P 15-71, "Department of the Treasury Security Manual"](#) for Treasury procedures.

(c)(1) COs shall ensure that DD Form 254, including solicitation or contract number and required classified guidance, is forwarded to the Office of Security prior to release of classified information to the contractor. The completed DD Form 254 shall be forwarded to the contractor, as well.

1004.470 Investigative requirements for contractors.

1004.470-1 General.

Contractor employees not requiring access to classified information shall meet the investigative requirements of Chapter II, Section 2 of [TD P 15-71, "Department of Treasury Security Manual."](#)

1004.470-2 Responsibilities of Contracting Officers.

(a) *Pre-solicitation phase.* For contractors not requiring access to classified information, the instructions provided in Chapter II, Section 2 of [TD P 15-71, "Department of Treasury Security Manual"](#) apply.

(b) *Solicitation phase.* For contractors not requiring access to classified information, the instructions provided in Chapter II, Section 2 of [TD P 15-71, “Department of Treasury Security Manual”](#) apply.

(c) *Award Phase-Nondisclosure Agreement for Sensitive Information.* COs should consult with program staff, security officers, and legal counsel to determine whether contractor access to sensitive information warrants execution of a nondisclosure agreement(s). A sample nondisclosure agreement is available at Attachment 1, Chapter II, Section 2 of [TD P 15-71, “Department of Treasury Security Manual.”](#)

SUBPART 1004.6—CONTRACT REPORTING

1004.603 Policy.

(d) Bureaus using non-appropriated or revolving funds shall report contract actions in Federal Procurement Data System ([FPDS](#)). The OPE has provided the notification required in [FAR 4.606\(b\)\(2\)](#).

1004.604 Responsibilities.

(a)(1) BCPOs are responsible for ensuring timely entry and maintenance of overall quality of data in the FPDS. BCPOs are responsible for ensuring all actions are reported to FPDS pursuant to [FAR 4.604\(b\)](#).

(2) BCPOs shall designate a system administrator and notify OPE in writing of the designation. Bureau system administrators are responsible for training Bureau personnel in preparation of upcoming system updates/changes, registering new users, and ensuring the validity of the information that is entered into FPDS.

(c)(1) *FPDS Data Integrity.* To support the annual certification of FPDS data, BCPOs shall—

(i) Conduct an annual Verification & Validation (V&V) exercise in accordance with OPE V&V guidance. This exercise includes the submission to OPE of a V&V report. Each Bureau V&V report is due to OPE each year on the last workday on or before December 15th.

(ii) Ensure that all personnel with FPDS data entry and review functions have timely completion and data accuracy evaluation factors in their performance appraisal and receive appropriate management feedback for their role in promoting and maintaining procurement data integrity; and

(iii) Implement, if applicable, agreed upon corrective action plans as identified in the V&V report and provide status updates to OPE on a quarterly basis. The status update is due on the last workday of each quarter.

(2) The OPE shall—

(i) Define the scope of each Bureau V&V review no later October 30th of each year;

(ii) Review Bureau V&V reports and approve, if applicable, the recommendations and proposed corrective action plans;

(iii) Track and monitor completion and accuracy by Bureau; and

(iv) Submit in accordance with [FAR 4.604\(c\)](#), the annual certification to the General Services Administration (GSA).

1004.605 Procedures.

(a)(1) Bureaus shall report contract actions with a unique identifier that begins with "T". This rule pertains to all actions submitted by each Bureau, whether or not the action is particular to that Bureau or completed as a service to another Agency. BPA Calls and Delivery/Task Orders placed against referenced IDVs that pertain only to that particular Agency and not Governmentwide do not require the unique identifier.

SUBPART 1004.8—GOVERNMENT CONTRACT FILES

1004.802 Contract files.

(a)(4) A COR working file containing contractor performance information and other information related to contract administration. Formal records and documents from the COR working file shall be incorporated into the official (contracting office) contract file prior to closeout. If files are not integrated and retained and stored separately in accordance with governing policy, both the CO and COR files shall cross reference each other file(s) and respective location.

1004.803 Contents of contract files.

(d) Refer to [1001.604](#) for contents of a COR contract file.

(e) In the interest of uniformity and consistency, contracting office contract files shall be structured and maintained in accordance with the standardized Contract File Content Checklist (see [1053.204-70](#)). The Contract File Content Checklist may be tailored for Bureau-specific requirements, but shall maintain its basic structure and intent.

1004.805 Storage, handling, and disposal of contract files.

(a) Contract and order files shall be disposed of in accordance with [Treasury Directive 80-05, Records and Information Management Program](#), as supplemented by other internal bureau directives such as the Departmental Offices Records Management Handbook located at website: <http://thegreen.treas.gov/policies/Treasury%20Directives/Records%20and%20Information%20Management%20Manual.pdf>. In no case are files to be destroyed before the retention times specified in [FAR 4.805](#).

1004.805-70 Storage, handling, and disposal of Governmentwide Commercial purchase card records.

Governmentwide Commercial Purchase Card records at or below the SAT (for other than construction orders) shall be retained for three years after final payment. Governmentwide Commercial Purchase Card records for construction orders shall be retained for six years and three months after final payment.

SUBPART 1004.13—PERSONAL IDENTITY VERIFICATION

1004.1302 Acquisition of Approved Products and Services for Personal Identify Verification.

(a) Procurements for services and products involving Physical Access Control Systems (PACS) or Logical Access Control Systems (LACS) shall be in accordance with all applicable Federal Homeland Security Presidential Directive-12 (HSPD-12) policy and the FAR (see [Treasury Directive 71-12, Homeland Security Presidential Directive 12 Policy](#)). Additionally, in order to ensure governmentwide interoperability, [OMB Memorandum 06-18, "Acquisition of Products and Services for Implementation of HSPD-12"](#) requires agencies to acquire products and services that are approved as compliant with Federal policy, standards and supporting technical specifications. PACS and LACS are defined as follows:

(1) *PACS*. An electronic system that controls the ability of people or vehicles to enter a protected area, by means of authentication and authorization at access control points. System components may include, but not limited to, the following: card readers, control panels, servers and software.

(2) *LACS*. Systems which authenticate and authorize an individual to access federally controlled information systems. System components may include, but are not limited to, the following: laptops, desktops, servers, mobile devices and software.

(b) When procuring products and services in support of HSPD-12 to—

(1) Enable all new PACS and LACS under development to use Personal Identity Verification (PIV) credentials, in accordance with National Institute of Standards and Technology (NIST) guidelines, prior to being made operational; or

(2) Upgrade existing PACS and LACS to use PIV credentials in accordance with NIST guidelines, prior to agency using development and technology refresh funds to complete other activities

All solicitations and contracts that require a contractor to provide one or more of the systems and/or equipment defined in [1004.1302\(a\)](#) shall contain in the requirement that contractor and subcontractor products and services provided in support of the implementation of HSPD-12 are approved as compliant with Federal Information Processing Standards Publication (FIPS PUB) Number 201-1 and NIST standards (as applicable). The requirement shall specify how the systems and/or equipment will be used in support of HSPD-12 implementation and require contractors to notify the CO if the statement of work (SOW), performance based work statement (PBWS) or specification does not conform to FIPS PUB 201 and NIST standards.

SUBPART 1004.16—UNIQUE PROCUREMENT INSTRUMENT IDENTIFIERS

1004.1601 Numbering.

Bureau contracting offices may establish their own numbering guidelines, which shall ensure that the identifier for each solicitation, contract, agreement, or order is

unique Government-wide, and will remain so for at least 20 years from the date of contract award in accordance with [FAR 4.1601](#) and—

- Begin with the prefix “T”
- include the contracting satellite office or funding entity.
- include the fiscal year of the award
- include the type of procurement instrument or solicitation (e.g. request for quote, definitive contract, delivery order)

SUBPART 1004.70–SMALL BUSINESS REVIEW PROCEDURES

1004.7000 Scope of subpart.

This subpart deals with Treasury’s review policies and procedures for providing maximum practicable opportunities in Treasury acquisitions to small businesses.

1004.7001 Purpose.

The purpose of reviewing acquisitions is to ensure Treasury provides maximum practicable opportunities in its acquisitions to small businesses.

1004.7002 Applicability.

This subpart applies to all acquisitions except-

- (a) Orders (also known as Calls) placed under existing agreements entered into pursuant to [FAR subpart 16.7](#) that were previously reviewed by the SBS;
- (b) Orders placed under existing indefinite-delivery contracts that were entered into pursuant to [FAR subpart 16.5](#) that were previously reviewed by the SBS; and
- (c) Orders placed under existing contracts or agreements entered into pursuant to [FAR subpart 8.4](#) that were previously reviewed by the SBS. However, the SBS and OSDBU reserve the right to request an acquisition be submitted for review.

1004.7003 General.

(a) The Department of the Treasury's OSDBU assists, counsels, and advises small businesses of all types (e.g. 8(a), SDB, WOSB, SDVOSB and HUBZone) on procedures for contracting with Treasury. In support of the FAR and as part of its mission, OSDBU requires that for acquisitions exceeding a certain dollar value or that involve bundling they are submitted for review.

(b) Treasury has developed a web based automated solution, called the electronic small business review system (e-SBRS), to support small business review processing within Treasury. E-SBRS enables the CS, CO, Small Business Specialist, the Director of OSDBU, OSDBU representative, SBA procurement center representative (or, if a procurement center representative is not assigned see [FAR 19.402](#)) and other selected individuals to electronically review acquisitions. E-SBRS is available at <http://hgitapps.treas.gov/Default.aspx>.

(c) *E-SBRS Registration.* BCPOs are responsible for ensuring acquisition personnel requiring access to the e-SBRS are registered.

1004.7004 Small Business Review Requirements.

The Director of OSDBU may establish different dollar thresholds than those provided below in order to accommodate specific Bureau contracting business requirements. The Director of OSDBU shall provide a copy of the written agreement established between OSDBU and the Bureau to the SPE.

(a) *Greater than micro-purchase threshold and up to \$25,000.* At the request of the Bureau SBS, the CO shall make available for review all proposed acquisitions in excess of the micro-purchase threshold and up to \$25,000 that have not been unilaterally set-aside for small business. Bureaus shall use [Treasury Standard Form \(SF\) 1010, Market Research Summary Report](#), or another OSDBU approved form for the purpose of this review.

(b) *Greater than \$25,000 and up to the SAT.* All proposed acquisitions in excess of \$25,000 and up to the SAT that have not been unilaterally set-aside for small business shall be reviewed by the SBS. Bureaus shall use [Treasury SF 1010, Market Research Summary Report](#), or another OSDBU approved form for the purpose of this review.

(c) *Greater than SAT.* All proposed acquisitions in excess of the SAT that have not been unilaterally set-aside for small business shall be submitted in e-SBRS for review. The CO is responsible for entering the required information into e-SBRS as well as attaching all necessary documentation needed for review. A copy of the disposition of the e-SBRS review shall be placed in the contract file.

(d) *Bundled requirements.* All proposed acquisitions regardless of dollar value involving bundling shall be submitted in e-SBRS for review. A copy of the disposition of the e-SBRS review shall be placed in the contract file.

1004.7005 Rejection of SBS recommendation.

If the CO rejects a recommendation of the SBS, the CO shall provide written notice to the OSDBU within 5 working days of the CO's receipt of the recommendation.

SUBPART 1004.71–REVIEW AND APPROVAL PROCEDURES

1007.7100 Policy.

Each Bureau is responsible for establishing an internal review and approval system to ensure high quality and legally sufficient procurement actions. All review comments and a record of their disposition must be contained in the contract file.

1004.7101 General Procedures.

(a) *General.* The internal review and approval system Bureaus established shall include at a minimum—

- (1) Description of the action (e.g. Letter contract);
- (2) Dollar threshold;
- (2) Role (e.g. Reviewer or Approver); and
- (4) Title (e.g. BCPO and CO)

(b) *Comments.* Review comments should be designated as either “Mandatory Change/Actions” or “Recommendations” so there is a distinction of the action being

request and the disposition required. The disposition of comments received from a reviewer is as follows:

(1) *Mandatory Changes/Actions*. These comments shall be incorporated into the documentation or the requested action taken in order for the action to be completed or approval provided.

(2) *Recommendations*. These comments are suggestions that the reviewer believes will improve the document. These comments can be accepted or rejected by the author of the document.

1004.7102 Legal Counsel review procedures

1004.7102-1 General

(a) *Pre-solicitation/Pre-Award review*. Contract actions, including interagency agreements, that will result in an obligation with an estimated value in excess of \$10 million, legal counsel review is required for the following documents, including any supporting information requested by legal counsel.

- (1) Acquisition Plans;
- (2) Sole source justifications (e.g. FAR subparts [6.3](#) and [13.5](#)) or limited source justification (i.e. [FAR subpart 8.4](#));
- (3) Solicitation packages;
- (4) Major amendments;
- (5) Competitive range determinations;
- (6) Negotiation memoranda;
- (7) Source selection decision memoranda;
- (8) Awards; and
- (7) Justification for an Exception to Fair Opportunity.

(b) *Post-award review*. Legal counsel review is required for modifications, other than exercise of original options or those that pertain only to administrative matters (e.g., funding modifications), that increase the total value of a contract, task order, or delivery order by 20% or more, except when the new overall total amount of the contract remains under the non-commercial SAT.

(1) *Exceptions*. Change orders may be issued without prior legal review, if it is determined in writing by the CO that they are urgent and require immediate award. Such change orders shall be submitted for legal counsel review and approved by the BCPO as soon as possible after issuance.

(c) *Other reviews*. Legal counsel assistance should be obtained whenever the action is considered unusual or complex.

1004.7102-2 Timeframe for review.

A copy of each acquisition document that requires legal counsel review pursuant to 1004.7102-1(a) shall be forwarded to legal counsel at least ten business days prior to becoming final. To the extent feasible, legal counsel will conduct its review within this time period, or if unable to do so, negotiate an alternative review schedule or process with the CO. In urgent situations, solicitations may be forwarded for review concurrently with release to the public, provided that the BCPO has given adequate notice to legal counsel.

1004.7100-3 Legal Counsel review comments.

All comments received from legal counsel and a record of their disposition shall be contained in the contract file. If legal counsel concurs without comment, the file shall be documented to show the review date and the name of the attorney who reviewed the documents with a statement that the review found documents to be “legally sufficient.”

1004.7103 SPE review procedures.

1004.7103-1 General.

Unless, otherwise prescribed by the FAR, DTAR or DTAP, Bureau procurement offices are not generally required to submit procurement actions for SPE review. The SPE reserves the right to require submission of procurement actions for review and approval. All procurement actions to be reviewed by the SPE shall first be reviewed by the BCPO or authorized designee to ensure accuracy and completeness of the documents prior to submission. Evidence of this Bureau-level review shall be documented in the contract file.

1004.7103-2 Timeframe.

When acquisition documents are required to be submitted for SPE review, one copy of each relevant document from the contract file shall be included in the review package, and forwarded by the BCPO to the SPE. Documents to be reviewed shall be forwarded at least ten business days prior to becoming final. In urgent situations, a solicitation may be forwarded concurrently with release to the public, provided that the BCPO has given adequate written notice to the SPE. Pertinent documentation from the contract file shall accompany any acquisition document when submitted for SPE review.

1004.7104 Contract Review Board review procedures.

1004.7104-1 General.

The BCPO shall establish procedures to review all acquisitions, including all standalone contracts, task orders, delivery orders, and purchase orders that are sensitive, highly visible, complex, or over Bureau-established dollar thresholds through a Contract Review Board (CRB).

1004.7104-2 Review Requirements.

(a) The CRB shall review documents at two points in time prior to issuance of the solicitation: After first draft of the acquisition plan, i.e., well in advance of the planned solicitation; and after final drafts of the solicitation documents are completed. The review may take place prior to or after quality assurance and/or legal counsel reviews in accordance with Bureau procedures. The CRB review is in addition to required pre-award review (see [1004.7100\(a\)](#)).

(1) During the first review, the CRB shall review, at a minimum, the contents of the acquisition plan developed consistent with [FAR subpart 7.1](#). The CRB review

should focus on small business, performance-based contracting, competition, and post-award management, including avoiding unnecessary follow-on sole sources.

(2) The second review, performed prior to issuance of the solicitation, shall include at a minimum a review of the solicitation document and evaluation plan.

(3) A response shall be provided for all CRB review recommendations and comments and the record of their disposition shall be contained in the contract file. If the CO determines not to take action regarding direction requested by the CRB the CO shall include an explanation why they made such a determination.

(b) *Membership.* The CRB membership shall include at a minimum the BCPO whose procurement authority is being used and two other members, preferably with strong procurement technical experience and/or subject matter expertise surrounding the supplies or services being acquired. The other members may be from different Bureaus or organizations, especially in cases of shared services acquisitions.

(c) *Timeframes.* Bureau policies shall establish timeframes for conducting CRB reviews for incorporation into acquisition plan milestones.

1004.7105 Acquisition Program Reviews.

1004.7105-1 General.

The SPE may establish acquisition program reviews to be held quarterly, unless another timeframe is established, of mission critical and/or high profile procurements identified by the SPE or Bureau. The purpose of the acquisition program review is to—

- (a) Provide visibility into mission-critical and high-visibility programs or acquisitions;
- (b) Ensure acquisition planning;
- (c) Involve stakeholders;
- (d) Develop better business strategies and business outcome;
- (e) Remove any impediments to success;
- (f) To reduce the need for bridge contracts and to mitigate the risk of lapsed contracts; and
- (g) Provide appropriate management oversight.

1004.7105-2 Format.

The SPE will supply a format for content.

SUBPART 1004.72—[RESERVED]

SUBPART 1004.73—EVALUATION AND CERTIFICATION OF TREASURY PROCUREMENT FUNCTION

1004.7300 General.

[Treasury Directive 12-11, Authorities of the Senior Procurement Executive](#), delegates to the SPE responsibility for monitoring and evaluation of the Department-wide procurement function. This may include a broad review of a Bureau

contracting organization or a targeted review of a specific Bureau, program, initiative, or focus area. [OMB Memorandum “Conducting Acquisition Assessments under OMB Circular A-123” dated May 21, 2008](#) may be used as a guide, as appropriate. The SPE will notify Bureaus of its intent to conduct such review.

SUBPART 1004.74—PROCUREMENT AUTOMATION

1004.7401 Policy.

(a) The use of automated acquisition and exchange of information among all Bureaus is highly encouraged. The objective is to automate acquisition processes to the extent that it is efficient and effective. OPE requires that acquisition automation be developed with consideration for potential to integrate, interface, or coordinate with related functions such as finance, accounting, internal control, property, and personnel, and to the enterprise level.

(b) All Bureaus are required to use the systems available through the Integrated Acquisition Environment (IAE).

1004.7402 Collaboration on automated acquisitions systems and applications.

Bureaus shall notify the SPE as soon as possible of their intent to develop or obtain any significant automated acquisition system or application, or to make any substantive change to a current system or application. Bureaus shall collaborate with the Treasury Acquisition Systems User Group during such initiatives. Acquisition of, or substantive changes to, any significant automated acquisition system or application shall be approved by the SPE. Requests for approval shall address at a minimum the following points, as well as those prescribed by the Bureau's local Office of the Chief Information Officer (OCIO)—

- (a) Purpose;
- (b) Integration and Interfacing with the IAE systems;
- (c) Integration with financial system(s);
- (d) Return on Investment;
- (e) Configuration;
- (f) Standards;
- (g) Security;
- (h) Market Research;
- (i) Strategic IT Planning;
- (j) Risks;
- (k) Maintenance; and
- (l) Training.

SUBPART 1004.75—PROCURE-STAT PROGRAM

1004.7500 General.

(a) This subpart prescribes policies and procedures related to OPE's Procure-STAT program.

(b) Unless otherwise specified, Bureau level goals (e.g. reduction in use of high risk contracting authorities, customer satisfaction, and reporting of contractor past

performance) are established and managed by OPE through the Procure-STAT program.

(c) Specific guidance regarding goals or acquisition improvement initiatives related to the Procurement-STAT program will be provided by the OPE.

(d) BCPOs will ensure that annual performance plans and appraisals for all contracting staff address elements specified by the SPE at the beginning of each fiscal year and that all employees receive appropriate guidance and feedback for their role in promoting the specified initiatives.

1004.7501 Responsibilities and accountability.

(a) *OPE governance and reporting.* The OPE is responsible for—

(1) Maintaining oversight of Treasury's achievement of the goals and other related enterprise-wide acquisition improvement efficiencies.

(2) Preparing a Monthly Scorecard (Dashboard) showing Bureau- and Department-level progress toward meeting assigned goals and will submit the Dashboard for review by the Chief Acquisition Officer (CAO) and Deputy Secretary.

(b) *Bureau.*

(1) BCPOs are responsible for implementing and managing acquisition improvement initiatives and goals in accordance with SPE and other executive guidance.

(2) BCPOs are accountable for providing the leadership and direction which drives Bureau achievement of these goals.

PART 1005—PUBLICIZING CONTRACT ACTIONS

1005.003 Governmentwide point of entry.

Posting information (e.g. proposed contract action, pre-solicitation notice) on a Bureau website or other location does not satisfy the requirement to publicize contract actions and other information through the governmentwide point of entry (GPE). In addition, the use of online procurement services for open market procurements, such as reverse auction, does not fulfill the responsibility to disseminate information as required by [FAR part 5.1](#) therefore CO shall ensure that all required information, such as the brand name justification or documentation (see [FAR part 5.102\(a\)\(6\)](#)), is included as required by publication through the GPE.

SUBPART 1005.2—SYNOPSIS OF PROPOSED CONTRACT ACTIONS

1005.202 Exceptions.

(a)(1) In order to use the exception prescribed by [FAR 5.202\(a\)\(1\)](#), a Bureau shall have an established procedure that is reviewed and concurred by the SPE. In instances, where a CO determines the use of the exception prescribed by [FAR 5.202\(a\)\(1\)](#), the CO shall submit the determination to the SPE for review and concurrence.

(i) BCPOs shall submit a semi-annual report that includes each instance that the exception prescribed by [FAR 5.202\(a\)\(1\)](#) was used.

(b) The SPE is authorized to make the written determination. The CO shall submit requests for exception to the notice required by [FAR 5.201](#) to the SPE for approval in accordance with [1001.7000\(a\)](#)

1005.205 Special situations.

(e) See [1007.370](#) for information on the prohibition of the use of funds appropriated or otherwise made available in the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) or any other Act, unless otherwise stated therein.

SUBPART 1005.3—SYNOPSIS OF CONTRACT AWARDS

1005.301 General.

(a)(3) The Bureau and CO shall follow the requirements and procedures described in [1005.202\(a\)\(1\)](#) for the purpose of using the exception prescribed by [FAR 5.301\(a\)\(3\)](#).

(b) The CO shall document the contract file explaining the reason(s) why a contract award was not synopsisized.

SUBPART 1005.4—RELEASE OF INFORMATION

1005.403 Requests from Members of Congress.

Bureaus shall provide prompt notification of all Congressional inquiries regarding acquisitions to the SPE (see [1001.7000\(c\)](#)).

1005.404-1 Release procedures.

The authorities under [FAR 5.404-1\(a\) and \(b\)](#) are delegated to the BCPO. BCPOs shall notify the SPE of any release of long-range acquisition planning estimates prior to release (see [1001.7000\(c\)](#)). The BCPO, as applicable, shall ensure these long-range acquisition planning estimates are reported in accordance with [1046.7000](#).

SUBPART 1005.5—PAID ADVERTISEMENTS

1005.502 Authority.

(a) The BCPO is the delegated authority to approve the publication of paid advertisements in newspapers.

(b) The BCPO is the delegated authority to determine if advanced written authorization prior to placement of advertisements in media other than newspapers is required.

PART 1006—COMPETITION REQUIREMENTS

SUBPART 1006.2—FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES

1006.202 Establishing or maintaining alternative sources.

(b)(1) Determination & Findings (D&F) for establishing or maintaining alternative sources shall be submitted to the SPE for approval in accordance with [1001.7000\(a\)](#).

SUBPART 1006.3—OTHER THAN FULL AND OPEN COMPETITION

1006.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(b)(4) The SPE has the authority to make the determination in [FAR 6.302-1\(b\)\(4\)](#) (see [1001.7000\(a\)](#)).

1006.302-2 Unusual and compelling urgency.

(d)(1)(ii) The HCA has the authority to make the determination in [FAR 6.302-2\(d\)\(1\)\(ii\)](#).

1006.302-7 Public interest.

(c)(1)(ii) The CO shall prepare a written request for approval and submit it in accordance with [1001.7000\(b\)](#). The request shall include a D&F for the head of the agency's signature that contains all pertinent information to support the justification for exercising the exemption to competition under the authority of [41 U.S.C. 3304\(a\)\(7\)](#). The request shall also include the date the CO expects to award the contract.

1006.304 Approval of the justification.

(c) Class justifications shall be approved by the same approval authority(ies) as for individual justifications (see [FAR 6.304\(a\)](#)).

(e) All justifications submitted to SPE for approval shall be accompanied by the approved acquisition plan and any other supporting documentation (see [1001.7000\(a\)](#)).

1006.305 Availability of the justification.

(f) The CO shall document the contract file explaining how the posting of the justification would disclose the executive agency's needs and disclosure of such needs would compromise national security or create other security risks.

SUBPART 1006.5—ADVOCATES FOR COMPETITION

1006.501 Requirement.

Bureau HCAs shall designate in writing a Bureau advocate for competition pursuant to [41 U.S.C. 1705](#). A copy of the designation letter shall be submitted to

OPE's e-mail address at OfficeoftheProcurementExecutive@treasury.gov and the Treasury's designated Advocate for Competition.

1006.502 Duties and responsibilities.

(c) Bureau advocates for competition shall—

(1) Work with the Treasury's Office of Small and Disadvantaged Business Utilization (OSDBU) to ensure that small business goals are considered when addressing limited competition, justifications for an exception to fair opportunity or types of sole source requests;

(2) Review proposed acquisitions valued at greater than \$700,000 and recommend actions for optimal competition;

(3) Recommend to the BCPO areas for acquisition policy, training, or other outreach methods to optimize competition;

(4) Monitor Bureau competition levels for achievement of goals for optimal competition;

(5) Recommend to the BCPO methods to incentivize and motivate program managers, COs, and others to promote and increase competition;

(6) Validate Bureau FPDS competition data;

(7) Participate in meetings or events as requested by the BCPO or Agency advocate for competition and;

(8) Establish a Bureau plan for optimizing competition (e.g. this could include a review of Bureau contracting operations to assess the achievement of optional competition). At a minimum, the plan shall include the following:

(i) The methodologies to be used to integrate and promote the acquisition of commercial items and full and open competition within their organization as well as to obtain the endorsement and support of their organization;

(ii) A discussion of the obstacles to competition faced by the Bureau and proposed approaches for overcoming them;

(iii) A discussion of the obstacles to the acquisition of commercial items faced by the Bureau and proposed approaches for overcoming them; and

(iv) Discussion of the methods to be used for increasing competition and the acquisition of commercial items.

(9) Support, as applicable, the preparation of the annual Treasury Advocates for Competition report.

PART 1007—ACQUISITION PLANNING

SUBPART 1007.1—ACQUISITION PLANS

1007.102 Policy.

- (a)(5) Implementation of best practices; and
- (a)(6) Appropriate consideration of use of reverse auction (see [1007.105\(b\)\(5\)\(v\)](#)).

1007.103 Agency-head responsibilities.

(e) Individual written acquisition plans are required for any action, including interagency agreements, expected to exceed the SAT, inclusive of all options or award terms offered as incentives. [Treasury Standard Form 1011 \(SF 1011\), Acquisition Plan](#), shall be used for the preparation of the written acquisition plan. Bureaus may use the [SF 1011](#) for actions at or below the SAT as well.

- (j) The HCA may require additional reviews.

1007.103-70 HCA responsibilities.

(a) In accordance with [FAR subpart 7.1](#), the HCA shall develop an acquisition planning program for all requirements to ensure that its needs are met in the most effective, economical, and timely manner. This program shall include the requirement for the preparation of a list of planned and expiring acquisitions as far in advance of each fiscal year as possible.

(b) HCAs have the flexibility to develop acquisition planning programs that are best suited to their individual Bureau needs.

1007.104 General procedures.

For any acquisition over \$10 million, the acquisition plan should be initiated by the requiring office, and approved at least 18 months prior to anticipated award date, plus any additional time required for transition.

(b) To aid planning, Bureau program officials shall forecast future requirements, including renewal of ongoing contracts, to ensure applicable projects are covered in individual acquisition plans. Additionally, BCPOs shall establish and publish standard procurement lead-times and cut-off dates, and implement procedures to measure service level accomplishment in accordance with those procurement lead times, e.g., “90% of acquisitions were accomplished within the established lead time of 90 days.” BCPOs may negotiate and monitor other agreements and exceptions in supplying procurement services to the requirements personnel.

1007.105 Contents of written acquisition plans.

(b)(1) Include analysis and determination to order against another agency’s indefinite-delivery vehicle (see [FAR 17.502-1\(a\)\(2\)](#) and [1017.503](#)).

(b)(5)(i) When an acquisition plan states that performance-based acquisition (PBA) methods are impractical, then a D&F shall be prepared. D&Fs for acquisitions in excess of \$1 million shall be forwarded to the SPE for approval in accordance with

[1001.7000\(a\)](#); for IRS, BFS, and the U.S. Mint, the SPE approval threshold is \$5 million. For cross-serviced requirements, thresholds are applied by contracting activity rather than funding agency.

All acquisition plans for major systems shall include the following in accordance with [FAR 7.105\(b\)\(4\)](#) and [FAR 7.105\(b\)\(11\)](#);

- a determination from the requirements official as to whether the program is a major acquisition under [FAR part 34](#) and OMB Circular A-11;
- if so, whether the program is required to include Earned Value Management (EVM) and if the Contractor is required to have an Earned Value Management System (EVMS);
- if so, whether the program official is EVM trained and qualified or has support that is EVM trained and certified; and
- when and how an Integrated Baseline Review (IBR) will be completed.

If applicable, include comprehensive justification for any performance period anticipated to exceed five years, excluding any potential extensions under [FAR 52.217-8](#) and [FAR 52.237-3](#), and address compliance with [1017.204](#). The emphasis of this discussion should be why the longer performance period will result in obtaining the best value for the Department of the Treasury over a lesser contract term and of the controls that will be in place during contract performance to ensure the program/project needs are met.

(b)(5)(v) *Criteria for selecting the use of reverse auction.*

(A) *General guidance.* Reverse auctioning is an Internet-based or electronic commerce acquisition tool/service following traditional auction principles that allows the Government to procure goods and services from offerors/suppliers in a competitive and dynamic environment where the sellers successively bid prices down until the auction completes. A contract can be awarded to the winner provided it represents the best value and the rest of the offer is found to be technically acceptable. Use of reverse auctioning may not always be in the best interest of the government or fit the acquisition strategy. Prior to making a determination to use reverse auction for a particular requirement the conditions described below shall be met.

(1) High volume, commodity type commercial items or commodity-like services (excluding Architect-Engineer services, construction and personal services), which do not need exact or lengthy specifications, are available off the shelf;

(2) Requirements documents are well-defined, and are of low complexity or are universally understood (e.g. IT type equipment);

(3) Solicitation documents can be standardized with respect to procedures for the auction such as cut-off time, duration, extensions, communication procedures;

(4) There is a well-established supplier base and strong industry interest in participating in a reverse auction;

(5) The tradeoff process is not being used nor evaluation criteria deemed by the contracting officer to be subject to significant interpretation and subjective judgment;

(6) Performance within CONUS;

(7) Fixed-price contract (see [FAR subpart 16.2](#));

(8) The reverse auction tool/service shall provide offerors with the ability to submit revised quotes throughout the course of the auction; and

(9) The reverse auction tool/service shall enable past performance or financial responsibility information created by the third-party be available to offerors.

(B) *Considerations.* The following represents additional considerations to support the contracting officer's determination:

(1) Historical use of reverse auction for the same or similar item;

(2) How the use of a reverse auction fits into the overall acquisition strategy (e.g. time and socio-economic);

(3) An auction starting price and target price can be reasonably determined;

(4) Anticipated savings offset the costs (e.g. direct or indirect); and

(5) The dollar value is sufficient to support the use.

(C) *Documentation.* If a determination is made to use reverse auction, the acquisition file shall be documented to explain how the reverse auction will support the acquisition, set forth the basis of the determination, and an analysis of any direct costs (such as fees) or indirect costs associated with the use of this tool/service.

(b)(5)(vi) For information technology acquisitions for digital services, discuss whether Modular approaches (e.g. Agile) will be used to improve investment manageability and budgetary feasibility; reduce overall risk; and support rapid delivery of incremental new functionality.

(b)(10)(a) The acquisition plan narrative shall include a summary and certification addressing [1007.503\(e\)\(1\)\(i\) thru \(iv\)](#). The Worksheet and supporting documentation required by [1007.570-3](#) shall be included in or attached to the acquisition plan.

(b)(19)(a) Discuss how reporting of contractor performance information will be handled in accordance with [subpart 1042.15](#).

(b) Indicate if this action is included in the HIA program in accordance with [subpart 1046.70](#).

(b)(20)(viii)(A) Discuss as applicable, EHS requirements and risks to include FAR and Bureau requirements; use of EHS evaluation criteria and factors; EHS deliverables; requirements for post-award EHS oversight; and any other EHS actions pertinent to the requirement. The purpose is to document within the acquisition plan any EHS concerns; thereby ensure appropriate management of

EHS concerns. See [subpart 1023.70](#) for EHS additional requirements regarding acquisition plans.

1007.107 Additional requirements for acquisitions involving bundling.

(b) The BCPO shall prepare a written determination that bundling is necessary and justified for approval by the Deputy Secretary and submit it in accordance with [1001.7000\(b\)](#). The determination shall include all pertinent information to support the determination and the date the Bureau needs to make an award.

SUBPART 1007.2—PLANNING FOR THE PURCHASE OF SUPPLIES IN ECONOMIC QUANTITIES

1007.204 Responsibilities of contracting officers.

(a) Bureaus are responsible for establishing such procedures.

SUBPART 1007.3—CONTRACTOR VERSUS GOVERNMENT PERFORMANCE

1007.370 Prohibition.

None of the funds appropriated or otherwise made available by the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) or any other Act, unless stated otherwise therein, may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SUBPART 1007.5—INHERENTLY GOVERNMENTAL FUNCTIONS

1007.503 Policy.

(e)(1) For designated new service contracts to be awarded the Procurement Customer shall provide a completed Coding of Contract Function Worksheet confirming—

- (i) The functions to be contracted for are not inherently governmental;
- (ii) The Procurement Customer has designated the services as closely associated to an inherently governmental function, as a critical function or as other;
- (iii) The Bureau has the technical capacity and contract management capability to give special management attention to contractor performance involving services closely associated to inherently governmental functions or involving critical functions; and,
- (iv) The Bureau Senior Accountable Official (SAO) or designee has approved the coding designation and has certified the requirements at (iii).

See 1007.570-3 for further guidance regarding the prescribed format, completion and submission and approval of the Worksheet.

(2) The CO shall ensure receipt of the documentation required by 1007.570-3. The CO shall not proceed with a procurement action if the coding designation document is not complete or not received from the Procurement

Customer or if any part of the supporting documentation indicates that the contractor performance requirements include, even in small part, work that is inherently governmental. Should receipt of such a request document occur, the CO shall return the requirement to the Procurement Customer or take other appropriate steps in accordance with Bureau policy to ensure that no requirement inclusive of inherently governmental work is solicited or awarded.

(3) To ensure there is adequate oversight for contracts for services closely associated with inherently governmental functions and critical functions, BCPOs shall make certain appropriate focus is applied to management of contracts involving these functions and shall establish appropriate internal controls for both the CO and COR functions to ensure contractor compliance with contract scope/requirements with no unauthorized expansion of scope or performance.

1007.570 – FPDS coding of service contract requirements.

1007.570-1 General

This section prescribes the policies and procedures for coding of service contract actions in the FPDS.

1007.570-2 Coding of Service Contract Actions in FPDS

(a) The CO shall enter one of the following codes at the beginning of the “description of requirement” field in FPDS, in the exact format shown in the following table, for all service contracts (i.e. awards with a product service code beginning with a letter), regardless of dollar amount. This includes task and delivery orders, purchase orders and calls. Failure to enter a code in the exact format required by FPDS will result in an FPDS validation error that will prevent the action from being released.

FPDS CODE	DEFINITION
Closely Associated	if services provided under the contract are predominantly for functions closely associated to inherently governmental ones
Critical Functions	if services are predominantly for critical functions
Other Functions	if services are predominantly for other functions

(1) This coding is not applicable to actions awarded before March 1, 2012. A code cannot be reported in the description field of FPDS for modifications issued against an award that was issued prior to this date.

1007.570-3 Designation and Submission of Service Contract Action Code

(a) The Procurement Customer shall designate the appropriate code for each service contract action identified at 1007.570-2(b) and shall submit a completed and approved Coding of Contract Function Worksheet (Worksheet) to the CO with the procurement request as required by this subpart and other established policy. The

Worksheet and supporting documentation shall be in the form prescribed by the Department's Deputy Assistant Secretary for Human Resources and Chief Human Capital Officer (DASHR/CHCO).

(b) For any procurement request requiring an acquisition plan, the Worksheet shall be incorporated into the acquisition plan in accordance with [1007.105\(b\)\(10\)\(a\)](#). For any procurement action that does not require an acquisition plan, the completed Worksheet should be submitted with the procurement request in accordance with DASHR/CHCO and Bureau policy.

(c) It is anticipated the designated code will not change after submission by the Procurement Customer. Should the code change at any time after initial submission, the Procurement Customer shall submit to the CO a new completed and approved Worksheet in the format required by DASHR/CHCO and Bureau policy; the CO shall then revise the code in FPDS in accordance with appropriate procedures. If the change is necessitated because the Procurement Customer determined the code originally designated was incorrect, the Worksheet narrative shall include an explanation for the change.

(d) Procurement Customer coding of service contract requirements, to include approval and/or certification, shall not be delegated to the BCPO or equivalent.

(e) For new service contract requirements received, the CO shall coordinate with the Procurement Customer to ensure designated code is received in required format prior to contract award. No award for services may be made without receipt of the required coding information.

PART 1008—REQUIRED SOURCES OF SUPPLIES AND SERVICES

1008.002 Use of other sources

(a) Treasury Mandatory Sources shall have the highest priority for use once the CO verifies that the mandatory sources in [FAR 8.002 and 8.003](#) cannot satisfy the requirement. The CO or ordering official shall review the list on [OPE's Treasury Mandatory Sources SharePoint site](#) before considering other sources. If a Treasury Mandatory Source is available, but not being used, the CO shall document the contract file in accordance with 1008.002-70(d).

1008.002-70 Review of and Exceptions to Using Treasury Mandatory Sources.

(a) *Treasury Mandatory Sources.* Treasury policy is to use Treasury Mandatory Sources unless the requirement falls under the mandatory sources listed in FAR 8.002 and 8.003 (in which case no further documentation is required), or unless an exception is approved as described in 1008.002-70(b) or (c). In all instances, the required exception must be approved prior to issuance of the solicitation.

(b) *Exceptions.*

(1) *Governmentwide commercial purchase card micro-purchase exception.* For purchase card transactions under the micro-purchase threshold, purchase cardholders shall use the applicable Treasury Mandatory Source vehicle to the maximum extent possible. In the event the Treasury Mandatory Source vehicle does not meet the Bureau's needs, such as urgency of need, better pricing available outside of the Treasury Mandatory Source vehicle, or other reasonable rationale, purchase cardholders may purchase from a source other than the Treasury Mandatory Source vehicle and no further documentation is required.

(2) *Individual exceptions:* Individual exceptions affect only one contract action.

(i) *Above micro-purchase threshold and up to the SAT.* Individual exceptions above the micro-purchase threshold and up to the SAT shall be reviewed and approved one level above the CO. A D&F consistent with the requirements of 1008.002-70(d) shall be used by the CO to document the determination not to use a Treasury Mandatory Source. The CO shall upload the approved D&F to the [OPE Treasury Mandatory Source SharePoint site](#) no later than 10 business days after award.

(ii) *Exceeding the SAT.* Individual exceptions exceeding the SAT shall be reviewed and approved by the BCPO. A D&F consistent with the requirements of 1008.002-70(d) shall be used by the CO to document the determination not to use a Treasury Mandatory Source. The CO shall upload the approved D&F to the [OPE Treasury Mandatory Source SharePoint site](#) no later than 10 business days after award.

(3) *Class exceptions:* Class exceptions affect more than one contract action. Class exceptions, regardless of the dollar value shall be submitted to the SPE for approval in accordance with [1001.7000\(b\)](#). A D&F consistent with the requirements of 1008.002-70(d) shall be used by the CO to document the determination not to use a Treasury Mandatory Source. The CO shall upload the approved D&F to the

[OPE Treasury Mandatory Source SharePoint site](#) no later than 10 business days after award.

(c) *Exceptions to Category Management Leadership Council designated sources.* [RESERVED]

(d) Content of Determination & Findings. In addition, to the requirements prescribed by [FAR 1.704](#), the D&F shall include a summary of the CO's review of the Treasury Mandatory Source vehicle(s) along with data and information that supports the CO's determination not to use the Treasury Mandatory Source. Data and information may include-

(1) A comparison of the pricing between the proposed source and the Treasury Mandatory Source;

(2) The savings to be achieved under the instant contract action compared to the potential savings that might be achieved across Treasury by driving all spend to the Treasury Mandatory Source (e.g., the tiered volume discounts available on some FSSI contract vehicles); or

(3) Urgency of the requirement.

SUBPART 1008.4—FEDERAL SUPPLY SCHEDULES

1008.404 Use of Federal Supply Schedules.

(d) *Pricing.* (DEVIATION) Supplies offered on the schedule are listed at fixed prices. Services offered on the schedule are priced either at hourly rates, or at a fixed price for performance of a specific task (e.g., installation, maintenance, and repair). GSA has already determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, to be fair and reasonable for the purpose of establishing the schedule contract. GSA's determination does not relieve the ordering activity contracting officer from the responsibility of making a determination of fair and reasonable pricing for individual orders, BPAs, and orders under BPAs, using the proposal analysis techniques at [FAR 15.404-1](#). The complexity and circumstances of each acquisition should determine the level of detail of the analysis required.

1008.405-1 Ordering procedures for supplies, and services not requiring a statement of work.

(f)(1) The steps provided in [1015.370-1](#) may be followed when using past performance as an evaluation factor for an acquisition meeting the criteria described therein.

(9) In the instance of the use of a reverse auction, the CO should examine whether the lowest price, plus any applicable fee(s), actually results in a savings below the target price when deciding to follow through with an award. In addition, if only one response is received consider if an award is still in the best interest of the government.

(g) *Minimum documentation.*

(5)(A) *Reverse Auction.* For instances where a reverse auction was used, the documentation in the contract file shall clearly reflect that the CO made all

acquisition decisions throughout the procurement process, and that the role of any acquisition support contractor personnel, including the third-party used to provide the reverse auction tool/service, was solely administrative and not decision-making.

(6) Market research conducted by the CO and a list of businesses identified;

(7) A list of schedule holders solicited, including a minimum of two SDVOSB concerns or HUBZone small business concerns, if found; and

(8) A list of vendors who responded.

1008.405-2 Ordering procedures for services requiring a statement of work.

(d) In the instance of the use of a reverse auction, the CO should examine whether the lowest price, plus any applicable fee(s), actually results in a savings below the target price when deciding to follow through with an award. In addition, if only one response is received consider if an award is still in the best interest of the government.

(1) The steps provided in [1015.370-1](#) may be followed when using past performance as an evaluation factor for an acquisition meeting the criteria described therein.

(f) *Minimum documentation.*

(9) *Reverse Auction.* For instances where a reverse auction was used, the documentation in the contract file shall clearly reflect that the CO made all acquisition decisions throughout the procurement process, and that the role of any acquisition support contractor personnel, including the third-party used to provide the reverse auction tool/service, was solely administrative and not decision-making.

(10) Market research conducted by the CO and a list of businesses identified;

(11) A list of schedule holders solicited, including a minimum of two SDVOSB concerns or HUBZone small business concerns, if found;

(12) A list of vendors who responded; and

(13) The basis for the award decision.

1008.405-3 Blanket purchase agreements (BPAs).

(a)(2)(i) The steps provided in [1015.370-1](#) may be followed when using past performance as an evaluation factor for an acquisition meeting the criteria described therein.

1008.405-5 Small business.

(a) A CO shall document the rationale for not utilizing the authority to conduct a small business set-aside as prescribed in [FAR 8.405-5\(a\)](#).

(c) All Treasury requirements solicited against the Federal Supply Schedule (FSS) shall include a minimum of two SDVOSB concerns and HUBZone small business concerns from either category in addition to the other schedule holders identified solicited by the CO. Potential offerors shall be identified through market research. This policy shall be applied to the establishment of new BPAs against the FSS. See file documentation required by 1008.405-1.

1008.405-6 Limited sources justification and approval.

(b)(3)(ii)(C) The CO shall submit requests to waive the posting requirement of [FAR 8.405-6\(b\)\(3\)\(i\)](#) to the SPE in accordance with [1001.7000\(a\)](#).

(c) [Treasury Standard Form 1012 \(SF 1012\), Limited-Source Justification](#), shall be used for the preparation of the Limited-Sources Justification as prescribed by [FAR 8.405-6](#).

SUBPART 1008.8—ACQUISITION OF PRINTING AND RELATED SUPPLIES

1008.802 Policy.

(b) In accordance with [Treasury Directive 78-01, Printing and Publishing Management Program](#), the Printing and Graphics Division is the designated Department's liaison. Bureaus with publication programs have publication liaison officers authorized to coordinate with the Printing and Graphics Division available at <http://thegreen.treas.gov/services/printing/Pages/default.aspx>.

SUBPART 1008.11—LEASING OF MOTOR VEHICLES

1008.1102 Presolicitation requirements.

(a)(3)(i) [31 U.S.C. Section 1343\(b\)\(2\)](#) of generally requires that, in order to purchase or lease a passenger motor vehicle with appropriated funds, a Bureau's appropriations shall authorize that expenditure. Additionally, Treasury Appropriations Act language may require that the Department specifically approve the purchase of law enforcement vehicles. Pursuant to [Treasury Directive 74-01, Motor Vehicle Fleet Management](#), Bureaus shall forward their requirements for law enforcement vehicles to the Office of Asset Management (OAM) in accordance with guidance issued by that office. The OAM will review the request for compliance with the requirements and transmit it to the ASM and CFO with a recommendation for approval or disapproval. Following approval of the request by the ASM and CFO, the package will be returned to the Bureau, so that it may be submitted to GSA in accordance with [41 CFR 101-26.501](#).

(ii) Bureaus shall forward to the OAM all requests for waivers (e.g. direct purchase authority), including special-purpose type vehicles (e.g., bomb trucks, surveillance vans) for transmittal to GSA.

1008.1170 Reduction of Fossil Fuel Usage

BCPOs are required to—

(a) Obtain documentation of approval from OAM prior to issuance of all contract actions resulting in the lease of motor vehicles from commercial concerns, and prior to issuance of all lease extensions not included in the terms of initial contract actions;

(b) Provide to OAM copies of all contract action resulting in leases of motor vehicles from commercial concerns, and lease extensions not included in the terms of initial contract actions;

(c) Include documentation of OAM approval of the contract action in the contract file; and

(d) The Bureau requiring activity is responsible for providing documentation of OAM approval to the CO. Documentation from the requiring activity shall address-

(1) If the requisition is for the lease of a commercial vehicle that meets EPA standards, documentation of approval by OAM only is required;

(2) If the requisition is for the lease of a commercial vehicle that does not meet EPA standards, documentation of approval by both OAM and the ASM is required.

PART 1009—CONTRACTOR QUALIFICATIONS

SUBPART 1009.1—RESPONSIBLE PROSPECTIVE CONTRACTORS

1009.104-5 Certification regarding responsibility matters.

(a)(2) See also [subpart 1009.4](#).

1009.104-6 Federal Awardee Performance and Integrity Information System.

(c)(2) See also [subpart 1009.4](#).

1009.105 Obtaining information.

(c)(6) The Do Not Pay Business Center located on the world wide web at: <http://www.donotpay.treas.gov> allows agencies to check various databases before making payments or awards in order to identify ineligible recipients and prevent fraud or errors from being made. During the pre- and post-payment phases, information indicating non-eligibility of a contractor shall be forwarded to the CO for consideration of contract modification or termination as appropriate. Any information indicating fraud or lack of responsibility shall be forwarded to the cognizant IG authority and Suspension and Debarment Official for consideration. Documentation derived from the Do Not Pay Business Center supporting a determination of non-responsibility or contract modification or termination shall be included in the contract file.

1009.108-570 Solicitation provision and contract clause.

The CO shall-

(a) See [AB 14-01 revision 2 dated May 7, 2014 entitled, "Class Deviation, Federal Acquisition Regulation \(FAR\) 52.209-5, Certifications Regarding Responsibility Matters"](#) for the instructions on inserting the provision proscribed therein regarding unpaid federal tax liability or conviction of a felony criminal violation under Federal Law.

(b) See [AB 15-02 dated January 7, 2015 entitled, "Class Deviation—Prohibition Against Using Funds to contract with Corporations that Have a Unpaid Federal Tax Liability or Was Convicted of a Felony Criminal Violation under Federal Law"](#) for the instructions on inserting the provision at 1052.209-71 Representation by Corporations Regarding a Unpaid Federal Tax Liability or Conviction of a Felony Criminal Violation under Federal Law.

SUBPART 1009.2—QUALIFICATIONS REQUIREMENTS

1009.202 Policy.

(a)(1) The CO shall submit written justification for establishing vendor qualification requirements to the SPE for approval in accordance with [1001.7000\(a\)](#).

(b) A copy of the approved waiver, along with the advocate for competition's review and comments shall be furnished to the SPE in accordance with [1001.7000\(c\)](#).

(e) The HCA is authorized to approve procurements that do not need to be delayed in order to comply with [FAR 9.202\(a\)](#). A written justification shall be prepared by the responsible technical office and submitted to the CO for coordination and signature of the Bureau advocate for competition, and approval by the HCA.

1009.204 Responsibilities for establishment of a qualification requirement.

(a)(2) The BCPO has the authority to approve the determination described in [FAR 9.204\(a\)\(2\)](#). At a minimum, the determination shall include the name of the firm for which the qualification tests will be performed, the amount of increased competition expected, and the duration and dollar value of anticipated future requirements for the qualified product.

(c) The cognizant technical office shall provide the list of qualified manufacturers and suppliers to the contracting officer.

1009.204-70 Contractor publicity.

See [DTAR 1009.204-70 Contractor publicity](#) for Treasury's requirements.

1009.206-1 General.

(b) The CO shall submit the determination that an emergency exists precluding the enforcement of a qualification requirement, which it established, to the HCA for review and approval. The CO shall notify the SPE in accordance with [1001.7000\(c\)](#).

SUBPART 1009.4—DEBARMENT, SUSPENSION, AND INELIGIBILITY

1009.402 Policy.

(e) [Treasury Directive 12-12, Procurement and Non-Procurement Suspension and Debarment](#), establishes Treasury policies and procedures for this subpart.

1009.403 Definitions.

"Debaring official" is the SPE as designated in [Treasury Directive 12-12, Procurement and Non-Procurement Suspension and Debarment](#).

"Suspending official" is the SPE as designated under [Treasury Directive 12-12, Procurement and Non-Procurement Suspension and Debarment](#).

1009.404 System for Award Management Exclusions.

(c) The SPE is responsible for accomplishing the required actions.

1009.405 Effect of listing.

(a) The head of the agency at Treasury for this purpose is defined in [Treasury Order 101-30, Designation of "Head of Agency" for Procurement Matters](#), is the ASM/CFO. The CO shall submit written justifications to support the determination in accordance with [1001.7000\(b\)](#). The justification shall include a description and discussion of the compelling reason(s) why the action should proceed despite the

debarment, suspension or proposed debarment of the contract along with all supporting documentation.

(d)(5) The CO shall consult SAM and document the contract file prior to contract extension, issuance of a major modification, or consent to subcontract.

1009.406-1 General.

(c) The SPE is authorized to make the required statement authorizing continued business dealings between the Treasury and the Debarred contractor.

1009.406-3 Procedures.

(a)(1) Refer to Section 4 of [Treasury Directive 12-12, Procurement and Non-Procurement Suspension and Debarment](#), for Treasury procedures for the prompt reporting, investigation, and referral to the debarring official of matters appropriate for that official's consideration.

(b)(2)(i) The hearing will be conducted by the Debarring official.

1009.407-3 Procedures.

(a) Refer to Section 4 of [Treasury Directive 12-12, Procurement and Non-Procurement Suspension and Debarment](#), for Treasury procedures for the prompt reporting, investigation, and referral to the suspending official of matters appropriate for that official's consideration.

(b)(2)(i) The hearing will be conducted by the Suspending official.

**SUBPART 1009.5—ORGANIZATIONAL AND CONSULTANT
CONFLICTS OF INTEREST**

1009.503 Waiver.

Requests for waiver of conflicts of interest provisions shall be submitted to the SPE for approval in accordance with [1001.7000\(a\)](#).

PART 1010—MARKET RESEARCH

1010.001 Policy.

(a) Treasury's Market Research Guide is available at <http://thegreen.treas.gov/do/ope/Policy/Policy%20GuidanceToolsResources/Forms/AllItems.aspx> as well as additional Treasury-wide guidance on conducting market research.

(a)(3)(vi) (see [1007.107](#))

(c)(1) The CO shall consult with the Bureau SBS.

(e) To support and improve acquisition planning, market research and requirement development, Bureaus shall promote and utilize innovative market research techniques regarding communication with industry and outreach to the vendor community, specifically small businesses. Both Treasury's Vendor Communication Plan and the Office of Federal Procurement Policy (OFPP) memorandums dated May 7, 2012, entitled "[Myth-Busting 2: Addressing Misconceptions and Further Improving Communication During the Acquisition Process](#)" and February 2, 2011 entitled, "[Myth-Busting: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process](#)" provide useful information for communicating with industry.

1010.002 Procedures.

(b) When conducting market research, contracting officers should consult the Bureau SBS. Bureau SBS shall provide the contracting officer feedback on potential small business sources, including veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, economically disadvantaged women-owned small business, and women-owned small business concerns.

(1)(viii) Viability of use of reverse auction (see [1007.102\(a\)\(6\)](#)).

(2)(iv) Treasury personnel conducting market research shall review the list on [OPE's Treasury Mandatory Sources site](#) (see 1008.002(a)) to verify whether or not a Treasury Mandatory source is available to satisfy the requirement.

(ix) Reviewing prior acquisition history for the same or similar requirement.

(A) GSA has developed a pricing paid tool that may be used to obtain visibility on prices paid by government agencies for commonly purchased supplies and services. This tool is currently available at <https://strategicsourcing.gov/prices-paid-tool>.

(x) Publishing requests for information, sources sought notices or draft solicitations or draft requirement documentation on [the GPE](#), or appropriate public sites.

(xi) Sponsoring or holding industry conferences or industry days, vendor forums, webinars, one-on-one meetings or other similar outreach opportunities with industry.

(A) Bureaus are encouraged to post such upcoming outreach opportunities on the vendor collaboration feature available on [the GPE](#).

(xii) Performing site visits (e.g. government personnel visiting vendor facilities or vice versa).

(e)(1) Documentation regarding the results of market research shall include, at a minimum—

(i) The participants involved in the market research effort;

(ii) The techniques used to conduct the market research;

(iii) The timeframes when the market research was conducted;

(iv) The names of the potential sources identified, including their socio-economic status;

(v) An analysis of the capabilities of the potential sources identified; and

(vi) The conclusion based on this analysis (see [FAR 10.002\(b\)](#) and 1010.002(b)).

(2) *Template.* [Treasury Standard Form 1010, Market Research Summary Report](#), shall be used for documenting the results of market research for acquisitions exceeding the SAT. Bureaus may use this form for acquisitions at or below the SAT as well. See 1004.704 for OSDBU requirements.

PART 1011—DESCRIBING AGENCY NEEDS

1011.002 Policy.

(g)(1) The Bureau-level CIO or equivalent shall review and submit a recommendation for waiving the [FAR 11.002\(g\)](#) requirement to the Treasury CIO. The Treasury CIO will review the Bureau CIO's request, and consult with the OPE whether to grant the waiver. The Treasury CIO will then decide whether to grant or deny the waiver. Correspondence and a copy of the Treasury CIO's decision shall be retained in the contract file. See [FAR 7.105\(b\)\(5\)\(iii\)](#) for documenting the acquisition plan.

SUBPART 1011.2—USING AND MAINTAINING REQUIREMENTS DOCUMENTS

1011.202 Maintenance of standardization documents.

(a) All recommendations for changes to standardization documents shall be submitted through the SPE in accordance with [1001.7000\(a\)](#).

SUBPART 1011.5—LIQUIDATED DAMAGES

1011.501 Policy.

(d) The SPE may act as head of the agency to reduce or waive the amount of liquidated damages assessed under a contract, if the Commissioner, Financial Management Service, or designee approves (see [Treasury Order 145-10, Remission or Waiver of Liquidated Damages](#)).

SUBPART 1011.6—PRIORITIES AND ALLOCATIONS

1011.602 General.

For the purposes of the Defense Priorities and Allocations System (DPAS), Bureaus that meet the definition of a delegated agency as defined in [FAR 11.601](#) shall establish internal procedures for placing rated orders. Information on DPAS is available at: <https://www.bis.doc.gov/index.php/other-areas/strategic-industries-and-economic-security-sies/defense-priorities-a-allocations-system-program-dpas>.

PART 1012—ACQUISITION OF COMMERCIAL ITEMS

SUBPART 1012.1—ACQUISITION OF COMMERCIAL ITEMS—GENERAL

1012.101 Policy.

It is Treasury's policy to leverage its buying power, reduce acquisition administrative costs, make the acquisition process more efficient, and develop long-term, mutually beneficial partnerships with best-in-class providers of products and services. Accordingly, Treasury has implemented a Strategic Sourcing Program, through which it awards contract vehicles and utilizes existing contract vehicles awarded by other agencies, including GSA's Federal Strategic Sourcing Initiatives (FSSI), to achieve savings for commercial items and services across Treasury. After considering sources listed in [FAR 8.002\(a\) and 8.003](#), Bureaus shall use Treasury's Mandatory Sources. See subparts [1008.002](#) and [1017.71](#) and the strategic sourcing portion of the [OPE SharePoint site](#) for further information on Treasury Mandatory Sources and strategic sourcing.

1012.102 Applicability.

(f)(1) The HCA, without power of delegation, has the authority to determine the acquisition of supplies or services that are to be used to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack, as an acquisition of commercial items. The Bureau shall notify the SPE in accordance with [1001.7000\(c\)](#).

SUBPART 1012.2—SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS

1012.203 Procedures for solicitation, evaluation, and award.

(a) *Reverse Auction.* Any acquisition of reverse auction software and/or services shall comply with competition requirements. To help ensure the intended benefits of reverse auctions are maximized, the contracting officer should examine whether the lowest price, plus any applicable fee(s), actually results in a savings below the target price when deciding to follow through with an award. In addition, if only one response is received consider if an award is still in the best interest of the government. For purposes of documenting the award, the contract file shall clearly reflect that the contracting officer made all acquisition decisions throughout the procurement process, and that the role of any acquisitions support contractor personnel, including the third-party used to provide the reverse auction tool/service, was solely administrative and not decision-making.

SUBPART 1012.3—SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

1012.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(b)(4)(i) See [1025.1001\(a\)\(2\)\(iii\)](#) for the approving authority to waive the examination of records clause.

1012.302 Tailoring of provisions and clauses for the acquisition of commercial items.

(c) An individual waiver shall be approved by the BCPO and a class waiver by the HCA. Waivers, whether individual or class, shall be reviewed by legal counsel. In addition, The Bureau advocate for competition shall review any waivers exceeding the SAT.

PART 1013—SIMPLIFIED ACQUISITION PROCEDURES

SUBPART 1013.1—PROCEDURES

1013.106 Soliciting competition, evaluation of quotations or offers, award, and documentation.

(c) Prior to establishing a BPA, COs should consider whether the requirement is common throughout Treasury and, if so, whether the BPA should provide all Treasury Bureaus the ability to place orders against it. If the CO believes the requirement has the potential to become a strategic sourcing initiative, the CO shall prepare and submit a white paper as described in [1017.7102\(a\)\(1\)](#).

SUBPART 1013.2—ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD

1013.201 General.

(a) See [1001.672](#) for details on delegation of micro-purchase authority. See Treasury's Charge Card Management Plan for Treasury's policy and procedure governing the Governmentwide commercial purchase card program.

(c) Education, training and certification requirements for using the Governmentwide commercial purchase card are described in the Department of the Treasury Acquisition Certification Management Program Handbook while [1001.603](#) provides Treasury policies and procedures regarding selection, appointment and termination.

(e) The requirements in [part 1008](#) apply to purchases at or below the micro-purchase threshold.

(g)(1) The HCA, without power of delegation, has the authority to determine that supplies or services are being acquired to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. The Bureau shall notify the SPE in accordance with [1001.7000\(c\)](#).

SUBPART 1013.3—SIMPLIFIED ACQUISITION METHODS

1013.301 Government-wide commercial purchase card.

(a) Treasury policies and procedures regarding selection, appointment and termination are found in [1001.603](#).

(b) Treasury policies and procedures governing the Governmentwide commercial purchase card program are defined in the "Charge Card Management Plan, Purchase Card Program."

1013.307 Forms.

The prescribed forms in [FAR 13.307](#) shall be used, unless an equivalent Bureau form/ automated format has been authorized for use by the SPE.

SUBPART 1013.5—SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS

1013.500 General.

(e)(1) The HCA, without power of delegation, has the authority to make this determination. The Bureau shall notify the SPE in accordance with [1001.7000\(c\)](#).

1013.501 Special documentation requirements.

(a)(1)(ii) [Treasury Standard Form 1013 \(SF 1013\), Justification & Approval for FAR subpart 13.5 Sole Source \(including brand name\) acquisitions](#), shall be used for the preparation of sole source (including brand name) justifications as prescribed by [FAR subpart 13.5](#).

PART 1014—SEALED BIDDING

SUBPART 1014.1—USE OF SEALED BIDDING

1014.103-270 Limitations.

Solicitations requesting offers for a federal contract that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) or any other Act, unless otherwise stated therein, shall be adhere to the requirements of [subpart 1003.70](#).

SUBPART 1014.2—SOLICITATION OF BIDS

1014.201-670 Solicitation provisions.

(a) The CO shall insert all necessary provision(s) related to environment, health and safety (EHS) concerns as directed by the Bureau EHS professional. See [subpart 1023.70](#).

SUBPART 1014.4 OPENING OF BIDS AND AWARD OF CONTRACT

1014.404-1 Cancellation of invitations after opening.

HCA's, without power of redelegation, are authorized to make the written determinations at (c), (e) and (f).

1014.407-3 Other mistakes disclosed before award.

(e) HCA's, without power of redelegation, are authorized to make the written determinations at (a), (b), (c) and (d) of this subsection.

PART 1015—CONTRACTING BY NEGOTIATION

SUBPART 1015.2—SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

1015.203 Requests for proposals.

(b) See [1007.370](#) for information on the prohibition of the use of the funds appropriated or otherwise made available in the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) or any other Act, unless otherwise stated therein.

1015.204 Contract format.

(e) The CO shall submit requests to exempt a contract from the use of the uniform contract format to the BCPO for review and approval.

1015.205 Issuing solicitations.

(c) Any solicitation or comparable action (such as Request for Quotations) that an EHS professional has deemed to involve EHS concerns or risks shall be reviewed and approved by the Bureau EHS professional prior to issuance (see [subpart 1023.70](#) for additional guidance).

(d) Solicitations requesting offers for a federal contract that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) or any other Act, unless otherwise stated therein, shall be adhere to the requirements of subpart [1003.70](#).

1015.209 Solicitation provisions and contract clauses.

(b)(4) See [1025.1001\(a\)\(2\)\(iii\)](#) for the approving authority to waive the examination of records clause.

SUBPART 1015.3—SOURCE SELECTION

1015.303 Responsibilities.

(a) BCPOs are responsible for source selection. BCPOs are authorized to appoint individuals other than the CO as the source selection authority for a particular acquisition or group of acquisitions.

1015.305 Proposal evaluation.

(a)(2)(ii) For purposes of conducting a past performance evaluation during a source selection, COs shall search the [Past Performance Information Retrieval System \(PPIRS\)](#) to identify and if found, review contractor past performance information. In addition, for acquisitions meeting the criteria described in 1015.370-1 the CO shall follow the steps provided therein.

(a)(4) Cost information may be provided to members of the technical evaluation team, as determined on a case-by-case basis by the CO. The contract file shall document the CO's rationale for making this determination.

(a)(6) *Environmental, Health, and Safety (EHS) evaluation.* The source selection record shall include an EHS professional’s evaluation of offerors’ proposals (to include proposed subcontractors) in accordance with the acquisition plan, source selection plan, and requirements of the solicitation or Request for Quotations (see [subpart 1023.70](#) for additional details).

1015.370 Making better use of performance information.

This section implements the steps described in the [Office of Federal Procurement Policy \(OFPP\) Memo dated July 10, 2014 entitled, “Making Better Use of Contractor Performance Information”](#) for broadening the sources of performance information for COs to make better informed award decisions.

1015.370-1 Steps.

The FAR allows the Government to consider information from additional sources of information beyond [PPIRS](#), including information found from conducting additional research and outreach, when evaluating a contractor’s performance history.

(a) The steps provided in table 1015.370-1 of this section are to be applied, at a minimum, to acquisitions (contracts or orders) for complex information technology (IT) development, systems, or services over \$500,000, and the following acquisitions (contracts or orders) that present a significant risk—

- (1) Cost reimbursement or time-and-material contracts and orders;
- (2) Awards that are complex in nature, such as large construction, architect-engineer, research and development, software development and implementation acquisitions, etc;
- (3) Awards involving high dollar values or major acquisition systems, consistent with OMB Circular No. A-109, regardless of the contract type;
- (4) Actions overseas and for contingency operations, regardless of the contract type; and
- (5) Other contracts or orders as deemed to be high risk by the Bureau.

(b) When an acquisition involves the use of these steps, the CO shall ensure it is appropriately discussed in the source selection plan and described in the solicitation (see [FAR 15.305\(a\)\(2\)](#)).

TABLE 1015.370-1—ADDITIONAL RESEARCH AND OUTREACH STEPS

Step	Action
1. Request information on recent Federal contracts.	Contact the CO, COR, or Program or Project Manager (P/PM) of the offeror’s two largest, most recently awarded Federal contracts or orders so the history of an offeror’s work can be reviewed. If this information is not readily available, request offerors to provide points of contact as part of their submission.
2. Search for recent news about the company’s performance (as	Review articles and other publications for timely and relevant news about the company’s performance or business integrity. If warranted, search for pertinent

appropriate).	company's performance information in Government Accountability Office reports available at www.gao.gov , and cognizant IG authority reports. Also, if necessary, review the company's past suspension and debarment record concerning incidents with other agencies and Treasury that are germane to the acquisition.
3. Review reliable commercial sources of performance information (as appropriate).	In addition to PPIRS, use public and commercial databases, or related services, to gain a fuller understanding of an offeror's performance. Some of these companies provide business reviews, past performance reports, consumer evaluations, management reports, and other information that might be helpful in assessing an offeror's ability to perform the contract successfully.
4. Ask for a wide variety of references	Request offerors provide at least three to five references of recently completed contracts or orders (within the last three to five years) from Federal, State, local or foreign government, and by commercial firms, business partners, subcontractors, etc. of similar size, scope, and complexity.
5. Ask for information about sub-contractors and contractor team arrangements	Request that offerors provide past performance information on subcontractors and contractor team arrangements using the guidance above for sources of information.

SUBPART 1015.4—CONTRACT PRICING

1015.404-2 Information to support proposal analysis.

(c) Requests for audit services shall be initiated in accordance with [Treasury Directive 76-06, Request for Contract Audit Services](#).

1015.407-4 Should-cost review.

(b)(3) The CO should consider requesting participation of the contract administration office.

(b)(4) The program should-cost review team report, prepared for and submitted to the CO, shall include-

(i) Results of the review, including proposed versus recommended hours, tasks, or issues. Discuss each cost element in terms of review method, finding, and proposed or recommended cost. Do not accumulate the dollar value of individual recommendations into a recommended total price. Indicate team members available to support negotiations;

(ii) Recommendations for improvement, including long and short term benefits, to be passed on to the contractor or the Government, including monitoring approach;

(iii) A list of lessons learned having value to later should-cost teams; and

(iv) Attachments, including letters recommending changes, implementing plans, pre-negotiation objectives, and price negotiation memorandum.

SUBPART 1015.5 PREAWARD, AWARD, AND POSTAWARD NOTIFICATIONS, PROTESTS, AND MISTAKES

1015.505 Preaward debriefing of offerors.

(a)(1) For purposes of conducting a preaward debriefing, a CO should consult Treasury's guidance on the debriefing process available at [OPE's SharePoint site](#).

1015.506 Postaward debriefing of offerors.

(a)(1) For purposes of conducting a postaward debriefing, a CO should consult Treasury's guidance on the debriefing process available at [OPE's SharePoint site](#).

SUBPART 1015.6—UNSOLICITED PROPOSALS

1015.606 Agency procedures.

(a) Bureaus shall establish procedures for the receipt, evaluation, and timely disposition of unsolicited proposals consistent with the requirements of [FAR subpart 15.6](#).

(b) Bureaus shall establish Bureau points of contact to coordinate the receipt and handling of unsolicited proposals.

PART 1016—TYPES OF CONTRACTS

SUBPART 1016.2—FIXED-PRICE CONTRACTS

1016.203-4 Contract clauses.

(d)(2) The CO shall prepare any clause using adjustments based on cost indexes of labor or material and submit it to the BCPO for review and approval.

SUBPART 1016.4 INCENTIVE CONTRACTS

1016.401 General.

(d) The authority prescribed in [FAR 16.401\(d\)](#) cannot be delegated below the HCA. Bureaus shall establish a mechanism to track any such awards.

SUBPART 1016.5—INDEFINITE-DELIVERY CONTRACTS

1016.501-2 General.

(a)(1) Prior to establishing an indefinite-delivery contract, COs should consider whether the requirement is common throughout Treasury and, if so, whether the contract should provide all Treasury Bureaus the ability to place orders against it. If the CO believes the requirement has the potential to become a strategic sourcing initiative, they shall prepare and submit a white paper as described in 1017.7102(a)(1).

1016.504 Indefinite-quantity contracts.

(c)(1)(ii)(D)(1) Determinations for a task or delivery order contract exceeding \$112 million (including all options) required under [FAR 16.504\(c\)\(1\)\(ii\)\(D\)\(1\)](#) shall be made by the SPE (see [1001.7000\(a\)](#)).

(c)(1)(ii)(D)(2) The notification to Congress required by [FAR 16.504\(c\)\(1\)\(ii\)\(D\)\(2\)](#) shall be made by the SPE.

1016.505 Ordering.

See [DTAR 1016.505](#) Ordering for Treasury requirements.

(a)(4)(iii)(C) The Bureau and CO shall follow the requirements and procedures described in [1005.202\(a\)\(1\)](#) when the conditions prescribed by [FAR 16.505\(a\)\(4\)\(iii\)\(C\)](#) apply.

(b)(2)(ii)(B) [Treasury Standard Form 1014 \(SF 1014\), Justification for an Exception to Fair Opportunity](#), shall be used for the preparation of the justification as prescribed by [FAR 16.505\(b\)\(2\)](#).

(b)(6)(ii) For purposes of conducting a postaward debriefing, a CO should consult Treasury's guidance on the debriefing process available at [OPE's SharePoint site](#).

**SUBPART 1016.6—TIME-AND-MATERIALS, LABOR-HOUR, AND
LETTER CONTRACTS**

1016.603-2 Application.

(c) The CO shall submit requests to extend the definitization schedule of a letter contract to the BCPO for review and approval.

1016.603-3 Limitations.

The designee shall be no lower than the BCPO.

PART 1017—SPECIAL CONTRACTING METHODS

SUBPART 1017.1 MULTI-YEAR CONTRACTING

1017.104 General.

(b) The HCA is delegated authority to modify requirements of a multi-year contract and [FAR clause 52.217-2, Cancellation Under Multi-year Contracts](#).

1017.108 Congressional notification.

(a) and (b) The SPE is delegated authority to provide all Congressional notifications of proposed contracts and proposed cancellation ceilings for those contracts. Bureaus shall prepare the written notification of the proposed contract and proposed cancellation ceiling and forward through the HCA to the SPE.

SUBPART 1017.2—OPTIONS

1017.202 Use of options.

(a) COs shall not use unpriced options.

1017.204 Contracts.

(e) Prior to issuance of the solicitation, the SPE shall approve any contract vehicle contemplating a performance period in excess of five years, to include contract vehicles for information technology. In this instance, performance period does not include the period of any potential extensions under [FAR 52.217-8 or FAR 52.237-3](#), but it does include the base period, any options and any award terms available as incentives. SPE approval shall be obtained by the submission of a written memorandum from the BCPO that includes at a minimum—

- (1) Description of the requirement;
- (2) An explanation of why the longer performance period will result in obtaining the best value for the Department of the Treasury over a lesser contract term with consideration to both past and projected levels of competition;
- (3) Discussion of any potential impact to socio-economic goals and current and future market conditions that support this longer performance period; and
- (4) A description of the controls that will be used during contract performance to ensure that the program/project is met.

The submission shall also include a copy of the fully executed acquisition plan. The SPE will approve the use of a performance period in excess of five years, if the submission demonstrates that it represents the best means of satisfying the requirement. In this context, “contract vehicle” and “contract” are synonymous and include contracts, orders of all types, BPAs and all other contract vehicles used by Treasury to purchase goods and services.

1017.207 Exercise of options.

(a) For existing contract vehicles with a performance period in excess of five years the BCPO shall obtain SPE approval prior to exercise of the next option or award of the award term. Approval is not required for the exercise of rights under [FAR 52.217-8](#) or [FAR 52.237-3](#), nor is the period of any potential extensions under

these clauses to be considered in determining the performance period of the contract. SPE approval shall be obtained by the submission of a written memorandum from the BCPO that includes at a minimum: a description of the requirement; the original rationale for establishing a contract in excess of five years; and the rationale for exercising the option or award of the award term. The submission shall also include the fully executed determination required by [FAR 17.207](#) or determination to award the award term, and a copy of the acquisition plan. The SPE will approve the exercise of the option or award of the award term if the submission demonstrates that it represents the best means of satisfying the requirement. In this context, "contract vehicle" and "contract" are synonymous and include contracts, orders of all types, BPAs and all other contract vehicles used by Treasury to purchase goods and services.

COs shall ensure to provide sufficient time well in advance of exercising the option or award of the award time in order to allow for processing of these requests as well as have an plan in place if SPE approval is not obtained. If insufficient time is available, the submission shall include the reason(s) and/or circumstance(s) for the lack of time.

SUBPART 1017.4—LEADER COMPANY CONTRACTING

1017.402 Limitations.

(a)(4) The CO shall submit a D&F to the SPE for approval in accordance with [1001.7000\(a\)](#).

SUBPART 1017.5—INTERAGENCY ACQUISITIONS

1017.501-70 Procurement Support Services.

(a) Definitions.

"Procurement support services" includes all contracting-related efforts necessary for solicitation, negotiation, award, and administration of contract actions for supplies, equipment, and services required by Treasury organizations. These services are also referred to as "assisted acquisition."

(b) Procurement Support Services. It is Treasury's preference that the Department's procurements be executed by the contracting activity designated in [1001.601](#). If this is not feasible, procurements should be executed, to the maximum extent practicable, by another contracting office internal to Treasury.

(1) Each Bureau shall obtain all procurement support services from the contracting activity designated in [1001.601](#) unless otherwise exempted within this subpart or approved by the BCPO of the designated contracting activity.

(2) As of October 1, 2011, Bureaus receiving procurement support from a source other than the contracting activity designated in [1001.601](#) (to include contracting organizations external to Treasury) may continue to receive the services, without further approval, until expiration of the Intra- or Inter- agency Agreement securing the assisted acquisition current at that time. All Treasury-funded contract actions executed under applicable Intra- or Inter- Agency Agreements may continue through expiration of full performance periods, including

options, subject to contract terms and current agreements. New non-exempt agreements will be subject to approval requirements at [1017.502](#).

(3) Any Treasury-funded contract action executed and/or administered by a contracting activity other than the contracting offices designated in [1001.601](#), as of October 1, 2011, may continue through expiration of full performance periods, including options, subject to contract terms. Any follow-on non-exempt contract action shall be covered by a current Intra- or Inter- Agency Agreement and will be subject to the approval requirements at [1017.502](#).

(c) *Exemptions*. Treasury approval requirements specified in [1017.502](#) apply only to direct requests for procurement support services and do not apply to—

(1) Contract actions utilizing another agency's authority or responsibility (e.g., GSA support of public buildings, property and works; DOT Nationwide Transit Benefit Program);

(2) Contract actions executed as part of support provided to Treasury by another agency (e.g., contracting of nursing services by Department of Health and Human Services (HHS) executed to fulfill HHS commitment to provide medical-related support services to a Bureau);

(3) Orders of any magnitude issued by the designated contracting organization against Federal Supply Schedules, Government-wide acquisition contracts, multi-agency contracts, and Treasury-wide contracts;

(4) Orders issued by the designated contracting organization against strategic sourcing contract vehicles mandated by [1008.002](#); and

(5) Other actions approved by the SPE for exemption on an individual or class basis.

1017.502-1 General.

(a)(1) *Assisted acquisitions*. Bureaus shall obtain SPE approval prior to requesting that an agency external to Treasury (e.g., Department of the Interior) provide non-exempted procurement support services on the Bureau's behalf. The BCPO of the designated contracting office shall approve agreements for assisted acquisition from a Treasury contracting office other than the designated contracting office.

1017.502-2 The Economy Act.

(c)(2) The SPE shall approve D&Fs for assisted acquisition where the servicing agency is not subject to the FAR (e.g., U.S. Mint). See also agency approval requirements in [1017.502-1\(a\)\(1\)](#).

1017.503 Ordering Procedures.

(a) The Department of the Treasury Interagency Agreement Guide standardizes Treasury-wide policies and procedures related to the preparation, processing, coordination, execution, administration, and close-out of Interagency Agreements. The guide applies to all Department of the Treasury personnel and is available at: <http://www.treasury.gov/about/organizational-structure/offices/Mgt/Pages/ProcurementPolicy-Regulations.aspx>

SUBPART 1017.70—[RESERVED]

SUBPART 1017.71—TREASURY’S STRATEGIC SOURCING PROGRAM

1017.7100 Scope.

This subpart describes Treasury’s acquisition policy and procedures regarding strategic sourcing. Further information regarding Treasury’s strategic sourcing program is available at the [OPE Strategic Sourcing site](#).

1017.7101 Definitions.

“*Business Case*” means a document used for capturing the business rationale and strategy decisions for a Treasury strategic sourcing initiative. It addresses the business need, alternatives, anticipated risks, expected cost, measurements, benefits, and acquisition strategy (see 1017.7102(a)(3)(i)(C)).

1017.7102 Identification and analysis of opportunities for strategic sourcing.

(a) The process for identifying and analyzing potential strategic sourcing initiatives is as follows-

(1) *Identification of potential strategic sourcing initiative.* Any Treasury employee may identify a potential strategic sourcing initiative. The employee shall document the potential strategic sourcing initiative in a white paper, briefly describing the existing conditions either within Treasury or within the commercial marketplace that make the requirement a good candidate for strategic sourcing. The employee shall submit the white paper to OPE’s e-mail at OfficeoftheProcurementExecutive@treasury.gov.

(i) *Template.* [Treasury Optional Form 1051, Strategic Sourcing White Paper](#), may be used for documenting the potential strategic sourcing initiative (see [1053.217-71](#)).

(2) *Review and determination of potential strategic sourcing initiatives.* The SPE will review the white paper submission and determine which will become potential strategic sourcing initiatives. The SPE will coordinate with the BCPOs to identify and designate a sourcing team for each potential strategic sourcing initiative.

(3) *Sourcing team responsibilities.*

(i) The sourcing team shall-

(A) Conduct market research;

(B) Analyze Treasury’s spend; and

(C) Complete a Business Case. [Treasury Standard Form 1015, Strategic Sourcing Business Case](#), shall be used as the business case for documenting the potential strategic sourcing initiative (see [1053.217-71](#)).

(D) Coordinate and obtain assistance, as appropriate, from OPE.

(ii) Upon completion of the Business Case, the sourcing team shall upload the Business Case to the [OPE Strategic Sourcing Initiatives site](#) and e-mail it to OfficeoftheProcurementExecutive@treasury.gov for review by OPE.

(iii) After review by OPE and finalization of the Business Case, the sourcing team shall brief the Business Case to the SPE, key stakeholders and, as applicable, the customer executive sponsor (e.g., CIO). OPE will coordinate scheduling of the briefing.

1017.7103 Establishing Strategic Sourcing Initiatives and mandating use of contract vehicles.

(a) After the briefing provided in 1017.7102(a)(3)(iii), the SPE will determine whether the potential strategic sourcing initiative will become a Strategic Sourcing Initiative.

(b) Upon determination of a Strategic Sourcing Initiative, the SPE will identify and determine, in coordination with stakeholders (e.g., CIO, OSDDBU), as appropriate whether an existing contract vehicle (e.g., GSA FSSI vehicle) will allow Treasury to maximize its efficiency and effectiveness, or whether Treasury should award its own contract vehicle.

(c) In the event an existing contract vehicle is not determined to best meet Treasury's needs, the Strategic Sourcing Initiative will be formalized in a strategic sourcing initiative charter, identifying the purpose, goals, stakeholders, and roles and responsibilities for the initiative. The SPE will coordinate with the BCPOs to identify and designate a lead contracting activity for each Strategic Sourcing Initiative.

(1) Lead contracting activity responsibilities. The lead contracting activity is responsible for-

(i) Developing the charter for the Strategic Sourcing Initiative. [Treasury Standard Form 1016, Strategic Sourcing Initiative Charter](#), shall be used as the charter for documenting the Strategic Sourcing Initiative (see [1053.217-71](#)).

(ii) Awarding the contract or agreement vehicle(s).

(iii) Providing regular briefings to the SPE on the status of the acquisition (e.g., acquisition milestones, risks and challenges).

(d) Upon award of a Strategic Sourcing Initiative vehicle, the SPE will provide notification to the Bureaus mandating the use of the vehicle as a Treasury Mandatory Source.

1017.7104 Measurement and reporting.

(a) *OPE.*

(i) OPE shall consolidate data on all Treasury Mandatory Sources and summarize the results for reporting to the OMB or other Government agencies, as appropriate.

(ii) The SPE may establish specific goals for each Strategic Sourcing Initiative or Treasury Mandatory Source (see [subpart 1004.75](#)).

(b) *Bureaus.*

(i) The lead contracting activity must notify and submit a copy of the vehicle and other supporting documentation to OPE at OfficeoftheProcurementExecutive@treasury.gov, within 10 business days following the award of a Strategic Sourcing Initiative contract or agreement so that information about the contract or agreement can be distributed and posted on the OPE intranet site.

(ii) *Orders*. The CO must submit a copy of all orders and other supporting documentation to OPE at OfficeoftheProcurementExecutive@treasury.gov, within 15 business days following the award of an order against a Treasury Mandatory Source.

PART 1018—EMERGENCY ACQUISITIONS

SUBPART 1018.1—AVAILABLE ACQUISITION FLEXIBILITIES

1018.108 Qualifications requirements.

See [1009.206-1](#) for Treasury's policy on determining not to enforce qualification requirements when an emergency exists.

1018.109 Priorities and allocations.

See [subpart 1011.6](#) for Treasury's policy.

1018.118 Overtime approvals.

See [1022.103-4](#) for Treasury's policy.

1018.125 Protest to GAO.

See [1033.104\(b\) and \(c\)](#) for Treasury's policy.

SUBPART 1018.2-EMERGENCY ACQUISITION FLEXIBILITIES

1018.201 Contingency operation.

(b) See [1013.201\(g\)\(1\)](#) for Treasury's policy.

(c) The HCA shall make the required determination to increase the simplified acquisition threshold to support a contingency operation. The Bureau shall notify the SPE in accordance with [1001.7000\(c\)](#).

(e) See [1013.500\(e\)](#) for Treasury's policy.

1018.202 Defense or recovery from certain attacks.

(a) See [1013.201\(g\)\(1\)](#) for Treasury's policy.

(b) The HCA shall make the required determination to increase the simplified acquisition threshold to support a contingency operation. The Bureau shall notify the SPE in accordance with [1001.7000\(c\)](#).

(c) See [1012.102\(f\)\(1\)](#) and [1013.500\(e\)\(1\)](#) for Treasury's policy.

(d) See [1013.500\(e\)](#) for Treasury's policy.

PART 1019—SMALL BUSINESS PROGRAMS

1019.000 Scope of Part.

(a) The U.S. Department of Treasury's Small Business Program Handbook dated April 2002 provides information. A copy of this handbook is available at <http://www.treasury.gov/about/organizational-structure/offices/Mgt/Documents/small-business-handbook-02.pdf>

SUBPART 1019.2—POLICIES

1019.201 General policy.

(c)(8) The BCPO is delegated the authority by the Director Office of Small and Disadvantaged Business Utilization (OSDBU) to assign a small business technical advisor (i.e., small business specialist) to each contracting activity within the agency to which the Small Business Administration (SBA) has assigned an SBA procurement center representative. A copy of the written assignment shall be provided to the Director, OSDBU.

(10) The cognizant Bureau Small Business Specialist (SBS) acting on behalf of the OSDBU shall review each procurement request to comply with the requirements of [FAR 19](#).

(d) The BCPO shall appoint SBS for their respective Bureau. The appointment shall be submitted to the Director, OSDBU for approval. A copy of the approved appointment shall be provided to the Director, OSDBU.

1019.202 Specific policies.

(c) See [subpart 1004.70](#) for Treasury's requirements.

1019.202-70 The Treasury Mentor Protégé Program.

See [DTAR 1019.202-70 The Treasury Mentor Protégé Program](#) for Treasury's requirements.

1019.202-70-1 General.

(a) The Treasury Mentor- Protégé Program is designed to motivate and encourage firms to assist small businesses (SB), including 8(a) firms; veteran-owned small business (VOSB) concerns, SDVOSB concerns, HUBZone small business concerns, SDB concerns, and WOSBs concerns. The Treasury Mentor- Protégé Program is also designed to improve the performance of Department of the Treasury contracts and subcontracts, foster the establishment of long-term business relationships between these entities and Treasury prime contractors, and increase the overall number of these entities that receive Treasury contract and subcontract awards.

1019.202-70-2 Definitions.

(a) Mentor, as used herein, means a prime contractor who elects, on a particular contract, to promote and develop small business subcontractors by providing developmental assistance designed to enhance the business success of the

protégé. Mentors shall be deemed eligible as a mentor as described in [DTAR 1019.202-70](#).

(b) The OSDDBU assists, counsels, and advises small businesses of all types (small businesses, small disadvantaged business, women-owned small businesses, veteran owned small businesses, service disabled veteran owned small businesses, and small businesses located in historically underutilized business zones) on procedures for contracting with Treasury.

(c) Protégé, as used herein, means a SB, SDVOSB, SDB, WOSB, or VOSB, HUBZone small business concern or an 8(a) firm that is the recipient of developmental assistance pursuant to a mentor- protégé arrangement on a particular contract. Protégés shall be deemed eligible as described in [DTAR 1019.202-70](#).

1019.202-70-3 Measurement of program success.

The overall success of the Treasury Mentor-Protégé Program will be measured by—

(a) The increase in the number and dollar value of contracts awarded to protégé firms under Treasury contracts from the date the protégé enters the program;

(b) The increase in the number and dollar value of contracts and subcontracts awarded to the protégé under other Federal agencies and commercial contracts; and

(c) An increase in the quality of the technical capabilities of the protégé firm.

1019.202-70-4 Internal controls.

(a) The OSDDBU will oversee the Treasury Mentor-Protégé Program and will work with the cognizant CO to achieve the program's objectives.

(b) Treasury may rescind an existing Mentor-Protégé agreement if it determines that such action is in Treasury's interest. Rescission shall be in writing and sent to the mentor and protégé after approval by the Director, OSDDBU. Rescission of an agreement does not change the terms of the subcontract between the mentor and the protégé or the prime contractor's obligations under its contract with Treasury or its subcontracting plan.

SUBPART 1019.3—DETERMINATION OF SMALL BUSINESS STATUS FOR SMALL BUSINESS PROGRAMS

1019.302 Protesting a small business representation or rerepresentation.

(a)(2) The CO shall promptly notify the Bureau SBS of any protest, appeal or final decision. The Bureau SBS shall promptly notify the OSDDBU of any protest, appeal or final decision.

1019.305 Protesting a representation of disadvantaged business status.

(a) The CO shall promptly notify the Bureau SBS of any protest, appeal or final decision. The Bureau SBS shall promptly notify the OSDDBU of any protest, appeal or final decision.

1019.306 Protesting a firm’s status as a HUBZone small business concern.

(b)(1) The CO shall promptly notify the Bureau SBS of any protest, appeal or final decision. The Bureau SBS shall promptly notify the OSDBU of any protest, appeal or final decision.

1019.307 Protesting a firm’s status as a service-disabled veteran-owned small business concern.

(b)(1) The CO shall promptly notify the Bureau SBS of any protest, appeal or final decision. The Bureau SBS shall promptly notify the OSDBU of any protest, appeal or final decision.

1019.308 Protesting a firm’s status as an economically disadvantaged women-owned small business concern or women-owned small business concern eligible under the WOSB Program.

(b)(1) The CO shall promptly notify the Bureau SBS of any protest, appeal or final decision. The Bureau SBS shall promptly notify the OSDBU of any protest, appeal or final decision.

SUBPART 1019.4—COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION

1019.401 General.

(b) The Director, OSDBU is the Treasury liaison with the SBA.

1019.402 Small Business Administration Procurement Center Representatives

(c)(4) If the Procurement Center Representative (PCR) files an appeal, the CO shall promptly notify the Bureau SBS, who shall promptly notify the OSDBU.

SUBPART 1019.5—SET-ASIDES FOR SMALL BUSINESS

1019.501 General.

(c) See [1004.70](#) for Treasury’s requirements.

1019.502 Setting aside acquisitions.

(a) To enable Treasury to meet its SDVOSB and HUBZone small business goals, Bureaus are required to solicit SDVOSB concerns and HUBZone small business concerns for procurement actions in excess of the micro-purchase threshold to the maximum extent practicable.

(b) The CO shall review all requirements over the micro-purchase threshold for set aside for award to HUBZone small business concerns and SDVOSB concerns. The CO shall document the determination concerning the set-aside and include in the contract file (see part 1010).

(c) The CO shall solicit HUBZone small business concerns and SDVOSB concerns to the maximum extent practicable for all requisitions where: (1) the award is not set aside for HUBZone small business concerns and SDVOSB concerns; or (2) the solicitation is not limited to HUBZone small business concerns and SDVOSB

concerns on a Federal Supply Schedule. The CO shall document the extent to which these socio-economic groups were considered, solicited, and participated in the acquisition. The documentation shall include:

(1) A description of the market research conducted and considered by the CO;

(2) A list of HUBZone small business concerns and SDVOSB concerns identified within the applicable North American Industrial Classification System (NAICS) code;

(3) A list of businesses to be solicited, including their size classification; and

(4) Rationale for not setting-aside the requirement for HUBZone small business concerns and/or SDVOSB concerns or for not limiting solicitation to HUBZone small business concerns and/or SDVOSB concerns under a FSS.

(d) The Bureau SBS shall review CO determinations concerning SDVOSB concerns and HUBZone small business concerns that are not set-aside or sole source determinations for actions over the SAT. If the SBS does not concur with the CO's determination, the BCPO shall make a written determination concerning sources to be solicited.

1019.505 Rejecting Small Business Administration recommendations.

(b) If the SBA files an appeal, the HCA shall promptly notify the Bureau SBS, who shall promptly notify the OSDDBU.

(c) The HCA shall promptly notify the Bureau SBS and OSDDBU of recommendation decisions.

1019.506 Withdrawing or modifying small business set-asides.

(a) The Bureau SBS shall forward the written notice to the OSDDBU.

(b) Withdrawal or modification of class set-asides shall be forwarded through the Bureau SBS for approval by the OSDDBU.

SUBPART 1019.6—CERTIFICATES OF COMPETENCY AND DETERMINATIONS OF RESPONSIBILITY

1019.602-1 Referral.

(a)(2) Provide a copy of the CO's referral letter and supporting documents to the Bureau SBS and OSDDBU.

1019.602-2 Issuing or denying a Certificate of Competency (COC).

(d) The CO shall ensure a copy of the SBA's response is provided to the Bureau SBS and OSDDBU.

1019.602-3 Resolving differences between the agency and the Small Business Administration.

(a) COs shall notify Bureau SBS of their differences between the Bureau and the SBA. The Bureau SBS should facilitate resolution with SBA. The CO shall coordinate suspension actions and referrals with the Bureau SBS and OSDDBU.

(a)(3) If the CO decides to appeal issuance of a COC, the CO shall notify the Bureau SBS and OSDDBU within 10 working days or a time period agreed upon by both agencies.

SUBPART 1019.7—THE SMALL BUSINESS SUBCONTRACTING PROGRAM

1019.705-2 Determining the need for a subcontracting plan.

(c) The CO shall submit the determination that no subcontracting possibilities exist, through the Bureau SBS and PCR, to the OSDDBU for approval at least 10 working days prior to issuance of the solicitation.

(d) COs shall consult with the Bureau SBS prior to incorporating subcontracting plans as an evaluation factor for award.

1019.705-3 Preparing the solicitation.

COs shall provide the Bureau SBS and the PCR (as requested) with a copy of the solicitation requiring submission of subcontracting plans to review, and allow at least 5 working days for the submission of any advisory findings prior to release of the solicitation.

(a) The CO shall include language in the solicitation notifying offerors that past performance in achieving subcontracting plan goals shall be at least as important as the other subcontracting factors or subfactors combined.

(b) Submission of subcontracting plan reporting shall be included as a “not separately priced” (NSP) deliverable under the contract when a subcontracting plan is required.

1019.705-4 Reviewing the subcontracting plan.

The subcontracting plan evaluation shall be separate from the technical or cost evaluation. Additional guidance for reviewing subcontracting plans is contained in the Small Business Program Handbook available at <http://www.treasury.gov/about/organizational-structure/offices/Mgt/Documents/small-business-handbook-02.pdf>.

(d)(7) The CO shall forward all subcontracting plans to the Bureau SBS for initial review. The SBA PCR shall review all subcontracting plans, after review by the Bureau SBS, and prior to forwarding to the OSDDBU for approval, unless the SBA PCR has waived reviews and/or the OSDDBU has delegated their authority to approve subcontracting plans to the Bureau SBS. COs shall provide the Bureau SBSs and the PCR each 5 working days to review proposed subcontracting plans. Ideally, the Bureau SBS and PCR reviews should be performed concurrently. All subcontracting plans shall be submitted to the OSDDBU at least 10 business prior to the contract award date. Upon request, a copy of the proposed prime contract and the cost proposal shall be provided. A copy of the lead agency CO's approval of a master or commercial products subcontracting plan shall be attached. The OSDDBU approval shall be retained in the contract file.

1019.705-6 Postaward responsibilities of the contracting officer.

[eSRS](#) registration is coordinated through the Agency Coordinator (AC), located in OSDDBU. The AC has full access to all eSRS records for the Agency and has the ability to change registration levels.

1019.705-7 Liquidated damages.

(d) The CO shall consult with legal counsel, the Bureau SBS, and OSDDBU prior to making a determination that the contractor failed to make a good faith effort to carry out its subcontracting plan.

(e) The CO shall provide a copy of the final decision to the Bureau SBS and OSDDBU.

(h) The CO shall provide a copy of the final decision to the Bureau SBS and OSDDBU.

SUBPART 1019.8—CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(a) PROGRAM)

1019.803 Selecting acquisitions for the 8(a) Program.

(a) Responses to SBA search letters shall be prepared by the Bureau SBS and coordinated with the CO.

(c) Letters to the SBA offering a requirement for the 8(a) Program shall be coordinated with the Bureau SBS.

1019.803-70 Simplified Procedures for 8(a) acquisitions under MOUs.

(a) Once an 8(a) contractor has been identified, the CO shall establish the price with the selected 8(a) contractor and prepare and issue a purchase order or contract in accordance with the appropriate provisions. The applicable clauses in [FAR 19.811-3](#) shall be included in the award document.

(b) The CO shall issue the purchase order or contract directly to the 8(a) firm. The CO shall insert [FAR clause 52.219-14, Limitations on Subcontracting](#), and [DTAR clause 1052.219-72, Section 8\(a\) direct awards](#), in all purchase orders and contracts awarded under this subsection.

(c) No later than the day that the purchase order is provided to the 8(a) contractor, the CO shall provide the cognizant SBA Business Opportunity Specialist, using facsimile or electronic mail, the following documents:

- (1) A copy of the purchase order; and
- (2) A notice stating that the purchase order is being processed under the MOU. The notice shall also indicate that the 8(a) contractor will be deemed eligible for award and automatically begin work under the purchase order unless, within 2 working days after SBA's receipt of the purchase order, the 8(a) contractor and the CO are notified that the 8(a) contractor is ineligible for award.

1019.805-2 Procedures.

(b)(1) For requirements exceeding the SAT processed under [FAR 19.800](#), the CO shall submit the name, address, and telephone number of the low bidder (in sealed bid acquisitions); the apparent successful offeror in negotiated acquisitions; or all offerors within the competitive range (if discussions are required) to the SBA Business Opportunity Specialist at the field office servicing the identified 8(a) firm. The SBA shall determine the eligibility of the firm(s) and advise the CO within two business days of receipt of the request. If the firm is determined to be ineligible, the CO shall submit information on the next low offeror or next apparent successful offeror, as applicable, to the cognizant SBA field office.

1019.811 Preparing the contracts.

1019.811-3 Contract clauses.

See [DTAR 1019.811-3 Contract clauses](#) for Treasury's requirements.

1019.812-70 Information.

COs shall promptly notify the SBA, and inform the Bureau SBS of 8(a) contractor performance problems.

SUBPART 1019.70 CONTRACTING OPPORTUNITIES IN FEDERAL ADVERTISING (EXECUTIVE ORDER 13170)

1019.7000 General.

(a) [E.O. 13170, Increasing Opportunities and Access for Disadvantaged Businesses, dated October 6, 2000](#) requires agencies to ensure substantial participation in federal advertising contracts by small disadvantaged and minority owned businesses.

(b) Required actions include consideration of use of minority-owned entities in the acquisition planning process, use of databases and other resources containing information on minority-owned entities, and coordination with Bureau SBSs to identify minority-owned entities for solicitation.

(c) Special attention shall be given to requirements for advertising placement in publications and television and radio stations that reach specific, ethnic and racial audiences. Each department and agency shall ensure that payment for federal advertising is commensurate with fair market rates in the relevant market, and shall structure advertising contracts as commercial acquisitions consistent with [FAR part 12](#) processes and procedures to enhance participation by 8(a)s, SDBs, and Minority-Owned Business Entities (MBEs).

(d) File documentation requirements apply to contracts awarded March 1, 2007 and thereafter. The specific procedures that constitute guidance on this subject are to be found in [E.O. 13170](#).

**PART 1020
[RESERVED]**

**PART 1021
[RESERVED]**

There is no DTAP text implementing or supplementing FAR parts 20 and 21.

**PART 1022—APPLICATION OF LABOR LAWS TO GOVERNMENT
ACQUISITIONS**

SUBPART 1022.1—BASIC LABOR POLICIES

1022.101-3 Reporting labor disputes.

The CO shall submit reports of any potential or actual labor disputes that may interfere with performing any contracts under its cognizance to the BCPO and legal counsel. Reports shall include at a minimum—

(a) The date the labor dispute began or is expected to begin;

(b) The urgency or critical nature of the affected contract, including; the quantity, degree of importance, and key delivery dates or performance dates and their relationship to the contract and, if applicable the overarching acquisition program;

(c) The contractor's name and, if applicable subcontractors name, address, contact information, the address of the site(s) impacted or expected to be impacted;

(d) the name, address, and contact information of parties representing the affected employees, along with the approximate number of employees affected by the strike;

(e) If applicable, the names of and availability of alternative sources that can furnish the supplies or perform the services that are or will be impacted by this labor dispute;

(f) Identification of any critical items that should be removed from the work site or should continue to be processed there with the consent of the parties to the dispute;

(g) The extent, if any, of participation by a Federal or state mediation agency; and

(h) Recommended action(s) to be taken by Treasury to reduce the impact.

The contracting officer shall advise, as applicable, the cognizant parties when the labor dispute is resolved and the work has resumed under the contract.

1022.101-4 Removal of items from contractors' facilities affected by work stoppages.

(a)(3) The CO shall obtain guidance from legal counsel and approval from the BCPO.

1022.103-4 Approvals.

(a) The BCPO or authorized designee has the authority to act as the agency's approving official for the approval of the use of overtime. The designee shall be at least one level above the CO.

**SUBPART 1022.3—CONTRACT WORK HOURS AND SAFETY
STANDARDS ACT**

1022.302 Liquidated damages and overtime pay.

(d) Bureaus may establish procedures for disposing of funds.

SUBPART 1022.4—LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

1022.404-6 Modifications of wage determinations.

(b)(6) The CO is delegated the authority to request an extension as prescribed by [FAR 22.404-6\(b\)\(6\)](#).

1022.406-2 Wages, fringe benefits, and overtime.

(b)(2) The CO shall submit the information required by [FAR 22.406-2\(b\)\(2\)](#) to the Administrator, Wage and Hour Division, U.S. Department of Labor, Employment Standards Administration, Washington, DC 20210. The CO shall advise interested parties of DOL's determination within 10 working days after receipt of the determination.

1022.406-8 Investigations.

(d)(1) The CO shall forward the report to the agency head in accordance with [1001.7000\(b\)](#).

1022.406-13 Semiannual enforcement reports.

The OPE is responsible for sending out the data call to BCPOs for the semiannual enforcement reports. BCPOs are responsible for ensuring that a response is provided within the timeframe requested.

SUBPART 1022.6—CONTRACTS FOR MATERIALS, SUPPLIES, ARTICLES, AND EQUIPMENT EXCEEDING \$15,000

1022.604-2 Regulatory exemptions.

(b)(1) The CO shall submit requests for exemption from the Walsh-Healey Public Contracts Act, inclusive of the finding by the Bureau stating the reasons why the conduct of Government business will be seriously impaired unless the exemption is granted, to the SPE (see [1001.7000\(a\)](#)). If the exemption request is approved by the Agency Head, the SPE will be responsible for submitting it to the Secretary of Labor for approval and notifying the CO if the exemption request was approved or denied.

1022.608 Procedures.

(a) *Award.* Copies of the poster may be downloaded or ordered through the Department of Labor – Wage and Hour Division (WHD) publication ordering system at <http://www.dol.gov/whd/regs/compliance/posters/sca.htm>.

(b) *Breach of stipulation.* Unless otherwise specified by Bureau procedures, the CO shall submit written notice of any violations to the applicable DOL region.

SUBPART 1022.8—EQUAL EMPLOYMENT OPPORTUNITY

1022.803 Responsibilities.

(d) The CO shall submit questions regarding the applicability of [E.O. 11246](#), [Equal Employment Opportunity](#) and implementing regulations to the SPE in accordance with [1001.7000\(a\)](#).

1022.804-2 Construction.

(b) BCPOs are responsible for maintaining and distributing required lists of covered geographical areas that are subject to affirmative action requirements. Information on the Office of Federal Contract Compliance Programs (OFCCP) is available at <http://www.dol.gov/ofccp/>.

1022.805 Procedures.

(b) *Furnishing posters.* The poster is available at: <http://www1.eeoc.gov/employers/poster.cfm>.

1022.807 Exemptions.

(a)(1) The CO shall submit requests for exemption from all or part of the requirement of [E.O. 11246](#), [Equal Employment Opportunity](#) based on national security to the agency head for approval in accordance with [1001.7000\(b\)](#).

(c) The CO shall submit a request for an exemption under [FAR 22.807\(a\)\(2\)](#) and [22.807\(b\)\(5\)](#) to their legal counsel for review and then through the BCPO to the SPE for review and concurrence (see [1001.7000\(a\)](#)). If the SPE concurs with the request, the SPE will forward the request onto the Deputy Assistance Secretary for approval.

SUBPART 1022.13— EQUAL OPPORTUNITY FOR VETERANS

1022.1305 Waivers.

(c) (1) The CO shall submit request for waiver under [FAR 22.1305\(a\)](#) to their legal counsel for review and then through the BCPO to the SPE for review and concurrence (see [1001.7000\(a\)](#)). If the SPE concurs with the request, they will forward the request for purposes of submission to the Director of the Office of Federal Contract Program of the U.S. Department of Labor (Director of OFCCP) for approval.

(2) The CO shall submit requests for waiver under [FAR 22.1305\(b\)](#) in accordance with [1001.7000\(b\)](#) respectively.

1022.1308 Complaint procedures.

Unless otherwise provided by Bureau procedures, the contracting officer shall forward complaints about the administration of the Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended, directly to the DOL's Veterans' Employment and Training Service. Information on this DOL service is available at <http://www.dol.gov/vets/aboutvets/contacts/main.htm>.

SUBPART 1022.14—EMPLOYMENT OF WORKERS WITH DISABILITIES

1022.1403 Waivers.

(c) (1) The CO shall submit request for waiver under [FAR 22.1403\(a\)](#) to their legal counsel for review and then through the BCPO to the SPE for review and concurrence (see [1001.7000\(a\)](#)). If the SPE concurs with the request, they will forward the request for purposes of submission to the Director of the Office of Federal Contract Program of the U.S. Department of Labor (Director of OFCCP) for approval.

(2) The CO shall submit requests for waiver under [FAR 22.1403\(b\)](#) in accordance with [1001.7000\(b\)](#) respectively.

1022.1406 Complaint procedures.

See [1022.1308](#).

SUBPART 1022.15 PROHIBITION OF ACQUISITION OF PRODUCTS PRODUCED BY FORCED OR INDENTURED CHILD LABOR

1022.1503 Procedures for acquiring end products on the List of Products Requiring Contractor Certification as to Forced Indentured Child Labor.

(e) COs shall refer the matter for investigation in accordance with Bureau procedures.

SUBPART 1022.16—NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT

1022.1604 Compliance evaluation and complaint investigations and sanctions for violations.

(d) BCPOs are responsible for providing information to support any such objections to the SPE.

SUBPART 1022.70 FAIR INCLUSION OF MINORITIES AND WOMEN

1022.7000 Contract clause.

See [DTAR 1022.7000 Contract clause](#) for Treasury's requirement.

**PART 1023—ENVIRONMENT, ENERGY AND WATER EFFICIENCY,
RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY,
AND DRUG-FREE WORKPLACE**

**SUBPART 1023.2-ENERGY AND WATER EFFICIENCY AND
RENEWABLE ENERGY**

1023.204 Procurement exemptions.

The CO shall submit an exemption to [FAR 23.204](#) to the cognizant EHS Office for review and approval.

**SUBPART 1023.4—USE OF RECOVERED MATERIALS AND
BIOBASED PRODUCTS**

1023.404 Agency affirmative procurement programs.

(a) Treasury Affirmative Procurement Plan (APP) is available at [OPE's SharePoint site](#). Bureaus may supplement this APP with appropriate policy and procedures outlining specific guidelines for implementing the Treasury APP in their activities. The scope and magnitude of the Bureau policy and procedures shall be commensurate with the needs the procurement activity to ensure compliance and promotion of these requirements

1023.405 Procedures.

The CO shall coordinate the determination and justification with the cognizant EHS Office before approving an exemption.

SUBPART 1023.5—DRUG-FREE WORKPLACE

**1023.506 Suspension of payments, termination of contract, and debarment
and suspension actions.**

(c) See subpart [1009.4](#) for Treasury's procedures.

(e) The CO shall submit waiver requests to the agency head for approval in accordance with [1001.7000\(b\)](#).

**SUBPART 1023.7—CONTRACTING FOR ENVIRONMENTALLY
PREFERABLE PRODUCTS AND SERVICES**

1023.703 Policy.

(a) BCPOs shall establish required programs to achieve the goals prescribed by FAR 23.703. Refer to [Treasury Directive 75-09, "Environmental, Health, and Safety Management, Energy and Sustainability Program"](#) and associated Treasury Directive Publication 75-09.

(b) *Environmental Management Training*. [E.O. 13693, Planning for Federal Sustainability in the Next Decade](#), require agencies to develop and provide environmental management training for all personnel whose actions are affected by the E.O. FAC 018, Green Purchasing for Civilian Acquisition, accessible at <http://icatalog.dau.mil/onlinecatalog/tabnavcl.aspx?tab=FAC> meets the requirement

for training on acquisition-related requirements of the E.O. Comparable Bureau-developed training can also be used to meet the E.O. training requirement.

(1) Contracting personnel, purchase cardholders, and CORs shall review the Treasury OEHS training presentation on purchasing green products and services, or complete other training with comparable content, as determined by the BCPOs, no later than December 31 of every two years. Training for purchase cardholders may be tailored to address the products that they are authorized to purchase.

(2) BCPOs are required to ensure that the training is completed and documented for all applicable personnel.

1023.704 Electronic products environmental assessment tool.

(a)(1)(ii) The authority to make this determination is delegated to the CO. The CO shall coordinate with and obtain concurrence, prior to making such a determination, from the cognizant EHS Office.

SUBPART 1023.70— PARTICIPATION OF ENVIRONMENT, HEALTH, AND SAFETY PERSONNEL IN TREASURY PROCUREMENTS

1023.7000 Scope of subpart.

This subpart prescribes policies and procedures for participation of EHS professionals in Treasury procurements.

1023.7001 Policy.

(a) Treasury's policy is to ensure that contractors and subcontractors take reasonable precautions to mitigate EHS risks (to include those associated with handling hazardous/explosive materials) and to advance sustainable acquisition in performance of Treasury contracts.

(b) Treasury's policy is to ensure participation by EHS professionals (i.e. the Departmental Office of Environment, Health, and Safety (OEHS) or Bureau designated EHS professionals) in Treasury procurements to ensure appropriate management of EHS concerns. COs shall ensure participation by EHS professionals in all stages of the procurement process (e.g., acquisition planning, development of evaluation criteria, solicitation review, source selection, and contract administration) as needed in order to support this policy.

1023.7002 Procedures.

(a) *General.* COs shall ensure participation by EHS professionals in all stages of the procurement process (e.g., acquisition planning, solicitation development, source selection, and contract administration), as needed, and regardless of dollar value. If the CO is in doubt as to whether a procurement involves EHS concerns, the CO shall send the requirement to the cognizant EHS office for review and determination.

(1) The purpose of EHS participation is to identify and thereby ensure appropriate management of EHS concerns. An EHS professional is responsible for—

- (i) Identifying EHS concerns;
- (ii) Making recommendations;

- (iii) Providing guidance on managing EHS concerns;
- (iv) Providing any Bureau requirements regarding EHS concerns;
- (v) Establishing, if applicable, EHS evaluation criteria and evaluation factors for use in source selection;
- (vi) Establishing, if applicable, EHS deliverables to be submitted by the contractor; and
- (vii) Establishing, if applicable, requirements for post-award EHS oversight in order to manage EHS concerns.

(2) Departmental OEHS professionals are responsible for reviewing Departmental Office procurements and Bureau EHS professionals are responsible for reviewing Bureau procurements.

(3) Bureaus may develop, with coordination and approval by their respective EHS office, their own procedures for implementing this section, which may involve, but not be limited to—

- (i) Developing a list of types of requirements and procurement actions that are known to or known not to involve EHS concerns;
- (ii) Identifying the types of documents that shall be submitted for EHS review (e.g. statement of work);
- (iii) Establishing timeframes for review; and
- (iv) Identifying the types of submittals offerors will be required to provide as part of their response.

(b) *Requirements for procurements exceeding the SAT.*

(1) *Acquisition plan requirements.*

(i) The CO shall ensure that EHS professionals review and approve all acquisition plans for procurements above the SAT.

(ii) If the CO determines that a procurement contains no EHS concerns then—

(A) The acquisition plan shall include a statement regarding the CO's determination (see [1007.105\(b\)\(20\)\(viii\)\(A\)](#)) and

(B) The CO shall obtain written concurrence from an EHS professional. If concurrence is obtained then there is no need for further EHS involvement, unless there is a change in the procurement that could introduce EHS concerns.

(2) *Solicitation requirements.* Solicitations involving EHS concerns shall be reviewed and approved by an EHS professional prior to issuance.

(3) *Source Selection requirements.* For procurements involving EHS concerns, the EHS professional shall evaluate, in accordance with the requirements of the source selection plan the relevant sections of an offer involving EHS concerns. The contract file shall include a record of the EHS professional's evaluation.

(c) *Requirements for procurements above the micro-purchase threshold and up to the SAT.*

(1) If the CO determines that the procurement includes EHS concerns, the CO shall follow the established Bureau procedure for EHS review. The EHS professional shall approve the solicitation before it is issued.

(2) If the CO determines that a procurement contains no EHS concerns then—

(i) The contract file shall include documentation regarding the CO's determination and

(ii) The CO shall obtain written concurrence from an EHS professional. If concurrence is obtained then there is no need for further EHS involvement, unless there is a change in the procurement that could introduce EHS concerns.

(d) *Requirements for procurements at or below the micro-purchase threshold.* In accordance with [FAR 13.201\(f\)](#), the procurement requirements in subparts [23.1](#), [23.2](#), [23.4](#), and [23.7](#) apply to purchases at or below the micro-purchase threshold, as they do to all procurements. Bureaus are responsible for establishing procedures to support this requirement. See Treasury's Charge Card Management Plan, [Treasury Directive 75-09, "Environmental, Health, and Safety Management, Energy and Sustainability Program"](#) and associated Treasury Directive Publication 75-09.

(e) *Attendance at events.* The CO shall ensure EHS professionals are notified of and provided an opportunity to attend pre-proposal conferences, industry days, post-award kick-off meetings/ post-award orientations and any other similar events for all procurements that may involve EHS concerns.

(f) *Departmental OEHS review:* Upon request, Bureaus shall provide their procedures for implementing the requirements of this section to the Departmental OEHS for review and approval. The Departmental OEHS reserves the right to request evidence of compliance with this section from the Bureaus as well.

(g) *Listing of EHS professionals.* A listing of EHS professionals is available on Treasury's Office of Environment, Safety and Health SharePoint site available at: <http://thegreen.treas.gov/offices/pages/oesh.aspx>. If a CO cannot locate their local EHS professional they shall contact the Director of Treasury's Office of Environment, Health & Safety at 202-622-1712 or contact EHS@treasury.gov.

1023.7003 Solicitation and Contract Content for Procurements Involving Explosive Hazardous Materials

(a) *Purpose.* Procurements involving explosive materials present particularly significant EHS risks. The requirements below apply to procurements relating to the purchase, storage, handling, and/or disposal of explosive hazardous materials.

(b) *Contractor Selection.* The CO shall work with the EHS professional to incorporate rigorous contractor selection provisions (such as those found in the Department of Defense Contractor Safety Manual for Ammunition and Explosives, Section C1.5, "Pre-Award Safety Survey") into the solicitation prior to its issuance. The solicitation and resulting contract shall include language requiring a contractor to use similar selection provisions for any subcontract dealing with explosive hazardous materials. All provisions shall be provided by the EHS professional based on the specific hazards of the procurement.

(c) *Contractor Oversight Provisions.* The CO shall work with the EHS professional to incorporate rigorous contractor oversight provisions (such as those provided in the Department of Defense Contractor Safety Manual for Ammunition and Explosives, Section C1.6 "Pre-Operational Safety Survey" and C1.7 "Post-Award Contractor Responsibilities" into the contract. All provisions shall be provided by the EHS professional based on the specific hazards of the procurement.

(d) [Reserved pending the publication of National Fire Protection Association

(NFPA) guidance recommended in Chemical Safety Board (CSB) recommendation 2011-06-I-HI-R7].

PART 1024—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

SUBPART 1024.1—PROTECTION OF INDIVIDUAL PRIVACY

1024.103 Procedures.

Procedures for implementing the Privacy Act of 1974 are contained in Treasury regulations under [31 CFR Part 1 Subpart C](#). Bureaus shall refer to [Treasury Directive 25-04, The Privacy Act of 1974, As Amended](#), for additional details on Treasury procedures regarding the Privacy Act of 1974.

SUBPART 1024.2—FREEDOM OF INFORMATION ACT

1024.203 Policy.

(a) Treasury's implementation of the Freedom of Information Act (FOIA) is codified in regulations under [31 CFR Part 1](#). See [Treasury Directive 25-05, The Freedom of Information Act](#), for additional details on Treasury procedures regarding the FOIA.

(b) See [FAR 15.207\(b\)](#) on the safeguarding of proposals.

(c) Treasury contracting activities may, at their discretion, authorize or require publication of contracts if deemed to be in the interest of the Department. Contractors should be afforded an opportunity to review and propose redactions for any information contained in Treasury contracts that may be subject to a FOIA exemption. Insert the clause at [1052.224-1, Contract Publication](#), in solicitations and contracts where publication of the contract and/or order is anticipated.

PART 1025—FOREIGN ACQUISITION

SUBPART 1025.1—BUY AMERICAN—SUPPLIES

1025.103 Exceptions.

(a) The SPE is authorized to make this determination. The CO shall submit requests for this exception to the SPE for approval in accordance with [1001.7000\(a\)](#).

(b)(1)(iii)(C) Prior to submitting a copy of the determination to the appropriate council identified in [FAR 1.201-1](#), the CO shall submit it to the SPE for review and approval in accordance with [1001.7000\(a\)](#).

(b)(2)(ii) Prior to submitting a copy of the determination to the appropriate council identified in [FAR 1.201-1](#), the CO shall submit it to the SPE for review and approval in accordance with [1001.7000\(a\)](#).

1025.105 Determining reasonableness of cost.

(a)(1) The HCA is delegated this authority for determinations that are limited to the contracting activity and the specific acquisitions. If the determination applies to multiple acquisitions, the SPE shall approve the determination (see [1001.7000\(a\)](#)). The SPE is delegated this authority for determinations that apply to all agency acquisitions.

SUBPART 1025.2—BUY AMERICAN—CONSTRUCTION MATERIALS

1025.202 Exceptions.

(a)(1) The CO shall submit requests for exemption to the SPE for approval in accordance with [1001.7000\(a\)](#).

1025.204 Evaluating offers of foreign construction material.

(b) The HCA is delegated this authority.

1025.205 Post-award determinations.

(c) The SPE shall authorize any exception when its basis is that the consideration paid is less than the differential between the unreasonable price of a domestic construction material and the cost of the foreign construction material. The CO shall submit requests for exception in accordance with [1001.7000\(a\)](#).

1025.206 Noncompliance.

(c)(4) See also [subpart 1009.4](#).

SUBPART 1025.7—PROHIBITED SOURCES

1025.701 Restrictions administered by the Department of the Treasury on acquisitions of supplies or services from prohibited sources.

(b)(1) BCPOs shall notify the SPE prior to acquiring supplies and services that are restricted in [FAR 25.701\(b\)](#).

**SUBPART 1025.10—ADDITIONAL FOREIGN ACQUISITION
REGULATIONS**

1025.1001 Waiver of right to examination of records.

(a)(2)(iii) The HCA, without redelegation, is authorized to make the determination. The HCA, upon approval of the D&F, shall, if required by [FAR 25.1001](#), forward the document to the Comptroller General for concurrence. The D&F shall be made part of the contract file.

PART 1026—OTHER SOCIOECONOMIC PROGRAMS

SUBPART 1026.2 DISASTER OR EMERGENCY ASSISTANCE ACTIVITIES

1026.202-2 Evaluation preference.

Bureaus may establish additional guidance regarding preferences given to local firms when contracting under [FAR subpart 26.2](#).

1026.203 Transition of work.

(b) The authority to determine that transitioning work in the performance of response, relief, and reconstruction contracts or activities in effect on the date on which the President declares a major disaster or emergency to local firms is not feasible or practicable is delegated to the HCA.

PART 1027—PATENTS, DATA, AND COPYRIGHTS

SUBPART 1027.3—PATENT RIGHTS UNDER GOVERNMENT CONTRACTS

1027.303 Contract Clauses.

(b)(3) The SPE is authorized to make the determination.

(e)(1)(ii) The SPE is authorized to make the determination.

(e)(4)(ii) The SPE is authorized to make the determination.

1027.304-1 General.

(b) Submit requests for exception to insert [FAR clause 52.227-13](#) to the SPE for approval in accordance with [1001.7000\(a\)](#).

(h) Required approvals as prescribed by paragraph (i) of FAR clause [52.227-11](#) shall be made by the SPE, after consultation with legal counsel (see [1001.7000\(a\)](#)).

1027.304-4 Appeals.

(a) The CO is the designated official authorized to take the actions specified in [FAR 27.304-4\(a\)](#).

(b) Appeals shall be directed to the SPE (see [1001.7000\(a\)](#)).

PART 1028—BONDS AND INSURANCE

SUBPART 1028.1—BONDS AND OTHER FINANCIAL PROTECTIONS

1028.101-1 Policy on use.

(c) The CO shall submit class waivers to the SPE for approval in accordance with [1001.7000\(a\)](#).

1028.106-6 Furnishing information.

(c) The CO is delegated this authority after consultation with legal counsel. The CO is the individual who will furnish to the requestor a certified copy of the payment bond and the contract for which it was given, and determine the reasonable and appropriate costs the requestor must pay for the preparation of copies.

SUBPART 1028.2—SURETIES AND OTHER SECURITY FOR BONDS

1028.203 Acceptability of individual sureties.

(g) Refer evidence of possible criminal or fraudulent activities by an individual surety through the BCPO to the cognizant IG authority, or other investigatory organization, with a copy to the SPE. The cognizant OIG authority should provide a report of findings to the suspension and debarment official.

1028.203-7 Exclusion of individual sureties.

(a) The SDO is the designee mentioned in [FAR 28.203-7](#).

(d) Justifications for accepting bonds of individual sureties whose name appears on the System for Award Management Exclusions shall be prepared by the CO and forwarded through the BCPO to the suspension and debarment official for approval.

1028.204 Alternatives in lieu of corporate or individual sureties.

(a) HCAs shall establish required safeguards to protect against the loss of any alternative securities received.

SUBPART—1028.3 INSURANCE

1028.305 Overseas workers' compensation and war-hazard insurance.

(d) The CO shall submit requests for waiver to the SPE for approval in accordance with [1001.7000\(a\)](#).

1028.307-1 Group insurance plans.

(a) The CO shall request the contractor to submit to their attention the plan for approval. The CO shall submit the plan legal counsel review prior to approval. See [DTAR 1028.307-1, Group insurance plans](#) for Treasury's requirements.

1028.307-2 Liability.

(b)(2) HCAs may establish special circumstances and coverage limits, after consultation with legal counsel, when determined to be in the best interest of the Bureau.

(e) HCAs are responsible for establishing, in conjunction with legal counsel, appropriate and adequate vessel collision liability and protection and indemnity liability insurance coverage limits as determined to be in the best interest of the Bureau.

1028.310 Contract clause for work on a Government installation.

See [DTAR 1028.310-70, Contract clause](#) for Treasury's requirement.

1028.311 Solicitation provision and contract clause on liability insurance under cost reimbursement contracts.

See [DTAR 1028.311-2, Agency solicitation provisions and contract clauses](#) for Treasury's requirement.

PART 1029—TAXES

SUBPART 1029.3—STATE AND LOCAL TAXES

1029.303 Application of State and local taxes to Government contractors and subcontractors.

(a) The CO shall submit requests to designate a contractor or subcontractor as an agent of the Government for the purpose of claiming immunity from State or local sales or use taxes to the agency head for review and approval in accordance with [1001.7000\(b\)](#).

PART 1030—COST ACCOUNTING STANDARDS ADMINISTRATION

SUBPART 1030.2—CAS PROGRAM REQUIREMENTS

1030.201-5 Waiver.

(a)(2) The CO shall submit CAS applicability waiver requests to the SPE for approval in accordance with [1001.7000\(a\)](#).

(d) The CO shall submit these requests to the SPE for approval in accordance with [1001.7000\(a\)](#). If approved, the SPE will forward the request to the Cost Accounting Standards Board (CASB) for approval.

1030.202-2 Impracticality of submission.

The ASM/CFO is authorized to determine that it is impractical to secure the Disclosure Statement. The CO shall submit these requests in accordance with [1001.7000\(b\)](#).

1030.202-8 Subcontractor disclosure statements.

(b) See 1030.202-2 for Treasury's procedure.

PART 1031—CONTRACT COST PRINCIPLES AND PROCEDURES

SUBPART 1031.1—APPLICABILITY

1031.101 Objectives.

(a) The CO shall submit requests for individual deviation concerning cost principles to the SPE for approval in accordance with [1001.7000\(a\)](#). The CO shall submit requests for class deviation concerning cost principles to the SPE for concurrence /rejection and, if concurred, the SPE will forward the request onto the Civilian Agency Acquisition Council for approval.

1031.205-6 Compensation for personal services.

(g)(6) The HCA is delegated, without redelegation, authority to waive the cost allowability limitations.

PART 1032—CONTRACT FINANCING

1032.003 Simplified acquisition procedures financing.

BCPOs shall make a written determination in writing if contract financing for purchases of commercial items will be permitted for purchases made under [FAR part 13](#).

1032.006-2 Definition.

The SPE is Treasury's Remedy Coordination Official (RCO) and concurrent Suspension & Debarment Official.

1032.006-3 Responsibilities.

(a) The ASM/CFO will perform agency head responsibilities in [FAR 32.006-4 and 32.006-5](#).

(b) Reports regarding suspected fraud related to advance, partial, or progress payments shall be made through the BCPO to the RCO. The report shall include all available information supporting the suspicion.

SUBPART 1032.1—NON-COMMERCIAL ITEM PURCHASE FINANCING

1032.102 Description of contract financing methods.

(e)(2) This type of progress payment is authorized if adequate safeguards are in place and approved at one level above the CO.

1032.113 Customary contract financing.

See [DTAR 1032.113, Customary contract financing](#) for Treasury's requirement.

1032.114 Unusual contract financing.

The CO shall submit any proposed use of unusual contract financing in accordance with [1001.7000\(a\)](#).

SUBPART 1032.2—COMMERCIAL ITEM PURCHASE FINANCING

1032.202-1 Policy.

See [DTAR 1032.202-1, Policy](#) for Treasury's requirement.

1032.202-4 Security for Government financing.

(a)(2) The required determination regarding the adequacy of the contractor's security and financial condition shall be in writing, reviewed by legal counsel, and retained in the contract file. It should be noted that an offeror's financial condition may be sufficient to make the contractor responsible for award purposes, but may not be adequate security for government financing.

(i) In assessing the offeror's financial condition, the CO may obtain, the following information to the extent required to establish the offeror's financial

capability and to determine the offeror's financial condition as being adequate security for Government financing. Other information may also be obtained if required in a particular case:

(A) A current year interim balance sheet and income statement and balance sheets and income statements for the two preceding fiscal years. The statements should be prepared in accordance with generally accepted accounting principles and shall be audited and certified by an independent public accountant or an appropriate officer of the firm;

(B) A cash flow forecast for the remainder of the contract term showing the planned origin and use of cash within the firm or branch performing the contract;

(C) Information on financing arrangements disclosing the availability of cash to finance contract performance, the contractor's exposure to financial crisis, and credit arrangements;

(D) A statement of the status of all State, local, and Federal tax accounts, including any special mandatory contributions;

(E) A description and explanation of the financial effects of any leases, deferred purchase arrangements, patent or royalty arrangements, insurance, planned capital expenditures, pending claims, contingent liabilities, and other financial aspects of the business;

(F) Any other financial information deemed necessary; and/or

(G) A Dun and Bradstreet Report on the company.

1032.206 Solicitation provisions and contract clauses.

(g) The HCA is authorized to develop procedures under [FAR 32.206](#).

SUBPART 1032.4—ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

1032.402 General.

(e)(1) The authority to make the finding and determination required by [FAR 32.402\(c\)\(1\)\(iii\)](#) and for approval of contract terms concerning advance payments, as provided by [FAR 32.402\(e\)\(1\)](#), is delegated to the SPE. The CO shall submit requests recommending approval or disapproval of advance payments to the SPE in accordance with 1001.7000(a). The request shall include the information required by [FAR 32.409-1](#), or [FAR 32.409-2](#), if recommending disapproval, and shall address the standards for advance payment in [FAR 32.402\(c\)\(2\)](#).

(2) The CO shall coordinate with the activity that provides contract financing support prior to submitting the request to recommend approval of advance payments.

1032.407 Interest.

(d) The SPE may authorize advance payments without interest.

1032.409 Contracting Officer action.

See 1032-402(e)(1) for the designated authority.

SUBPART 1032.5-PROGRESS PAYMENTS BASED ON COSTS

1032.502-2 Contract finance office clearance.

HCAAs are responsible for establishing Bureau procedures.

SUBPART 1032.6-CONTRACT DEBTS

1032.602 Responsibilities.

COs shall consult Bureau procedures and the cognizant finance office concerning contract debt collection.

1032.607 Installment payments and deferment of collection.

(a) Bureaus are responsible for designating the office for the responsibility of approving or denying requests for installment payments or deferment of collections.

1032.608-1 Interest charges.

The CO shall consult Bureau procedures and the cognizant finance office concerning contract debt that may be exempt from interest charges.

1032.610 Compromising debts.

Contracting officers are not authorized to compromise debts.

SUBPART 1032.8—ASSIGNMENT OF CLAIMS

1032.803 Policies.

(d) The CO shall submit the determination to include a no-setoff commitment in accordance with [1001.7000\(b\)](#).

SUBPART 1032.70—ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS

1032.7000 Scope of subpart.

See [DTAR 1032.7000 Scope of subpart](#) for Treasury's requirement.

1032.7001 Definitions.

See [DTAR 1032.7001 Definitions](#) for Treasury's requirement.

1032.7002 Policy.

See [DTAR 1032.7002 Policy](#) for Treasury's requirement.

1032.7003 Contract clause.

See [DTAR 1032.7003 Contract clause](#) for Treasury's requirement.

PART 1033—PROTESTS, DISPUTES, AND APPEALS

SUBPART 1033.1—PROTESTS

1033.102 General.

(a)(1) Upon receipt of a protest against a solicitation or an award designated as an HIA, the BCPO or designee (e.g., the CO) shall notify the SPE via email within five business days of receipt of the protest and shall identify—

- (i) The date protest was received;
- (ii) The description of the action protested (solicitation or award number, brief description of requirement, and total value including base and all options);
- (iii) Name of the protestor(s); and
- (iv) A brief summary of the reason(s) for the protest.

(2) The CO shall notify the SPE within five working days following communication to the protester of the final decision.

(3) The CO shall annotate the HIA database within the Pre-Award comments field or Post-Award comment field with information regarding the receipt, disposition, and resolution of the protest.

(4) The BCPO shall maintain a log of all protests received and disposition of each. As a minimum, the protest log shall include—

- (i) Date protest was received;
- (ii) Type of protest (e.g. Agency, GAO or U.S. Court of Federal Claims);
- (iii) Name of protester;
- (iv) Action protested:
 - (A) Solicitation or award number;
 - (B) Brief description of requirement; and
 - (C) Total value including base and all options;
- (v) HIA designation (i.e., yes or no);
- (vi) Brief summary of protest;
- (vii) Date of final decision; and
- (viii) Final decision.
 - (A) Upheld or denied / in full or in part; and
 - (B) Brief description of any action taken or to be taken in response to the protest and final decision.

(b) The HCA may make the determination.

1033.103 Protests to the agency.

(d)(3)(i) Upon receipt of an agency protest, the CO shall immediately notify the BCPO and legal counsel, providing the latter with a copy. If the solicitation or award under protest is designated as an HIA, the BCPO or designee shall comply with all requirements of 1033.102(a)(1).

(d)(4) An independent review is available only as an appeal of the CO's decision on an agency protest. The BCPO or designee will conduct independent reviews. The designee shall be at least one level above the CO. In cases where the BCPO is the CO/source selection authority, OPE may conduct the independent review.

1033.104 Protests to GAO.

(a)(2) Upon receipt of a GAO protest against a solicitation or an award designated as an HIA, the BCPO or designee shall comply with all requirements of 1033.102(a)(1).

(a)(3)(iv) The report shall be appropriately titled and dated, cite the GAO file number, and be signed by the CO. Reports shall be coordinated with legal counsel. Reports will be transmitted to GAO by legal counsel.

(b)(1) The HCA shall obtain legal counsel's review.

(c)(2) The HCA shall obtain legal counsel's review.

1033.105 Protest at the U.S. Court of Federal Claims.

(a) Upon receipt of a U.S. Court of Federal Claims protest against a solicitation or an award designated as an HIA, the BCPO or designee shall comply with all requirements of 1033.102(a)(1).

SUBPART 1033.2—DISPUTES AND APPEALS

1033.201 Definitions

See [DTAR 1033.201, Definitions](#) for Treasury's requirement.

1033.203 Applicability.

(b)(2)(i) The CO shall submit determinations to the SPE for approval in accordance with [1001.7000\(a\)](#).

1033.209 Suspected fraudulent claims.

COs shall refer matters related to suspected fraudulent claims to the cognizant IG authority, or other appropriate investigative organization.

1033.211 Contracting officer's decision.

(a)(4)(v)(A) For contracts, the agency board of contract appeals is the Civilian Board of Contract Appeals (CBCA). When using the paragraph in [FAR 33.211\(a\)\(4\)\(v\)](#), the CO shall insert the words "Civilian Board of Contract Appeals" in replacement of each mention of the term "agency board of contract appeals". Additional information about Civilian Board of Contract Appeals, including information on how to file, is available at <http://www.cbca.gsa.gov/index.html>.

1033.212 Contracting Officer's duties upon appeal.

Bureau legal counsel is responsible for representing the Bureau before the CBCA. Legal counsel will prepare all correspondence in connection with the appeal, with the assistance of the CO and other appropriate personnel. COs shall prepare the appeal file as prescribed on the CBCA website available at www.cbca.gsa.gov. The file shall be forwarded to legal counsel within 15 days from receipt of notice.

Legal counsel shall have 15 days to review the file, and file the appeal file with the CBCA.

PART 1034—MAJOR SYSTEM ACQUISITION

SUBPART 1034.0—GENERAL

1034.001 Definitions.

See [DTAR 1034.001, Definitions](#) for Treasury's requirement.

1034.004 Acquisition strategy.

See [DTAR 1034.004, Acquisition strategy](#) for Treasury's requirement.

PART 1035—RESEARCH AND DEVELOPMENT CONTRACTING

1035.003 Policy.

(b)(1) Cost sharing and recoupment shall be determined on a case-by-case basis. Recoupment, not otherwise required by law, should be structured to address factors such as recovering the Department's fair share of its investment in nonrecurring costs related to the items acquired. Advice of legal counsel shall be obtained prior to establishing cost sharing policies and recoupment mechanisms under [FAR 35.003\(b\) and \(c\)](#). Bureaus may establish additional procedures for cost sharing and recoupment.

1035.010 Scientific and technical reports.

(b) Prior to making available R&D contract results, which involve classified or national security information, the CO shall follow the procedures at [FAR 4.403](#), as supplemented by [TD P 15-71, "Department of Treasury Security Manual."](#)

**PART 1036—CONSTRUCTION AND ARCHITECT-ENGINEERING
CONTRACTS**

**SUBPART 1036.2—SPECIAL ASPECTS OF CONTRACTING FOR
CONSTRUCTION**

1036.202 Specifications.

(c) When a CO has determined a particular brand name is essential to the Government's requirements and will not allow the submission of "equal" products, the CO shall clearly indicate within the solicitation the brand name item(s) which are required. This is necessary in order to place bidders on notice that the "brand name or equal" provisions of [FAR 52.236-5, Materials and Workmanship](#), and any other provision that may authorize the submission of an "equal" product, will not apply to the specific items listed.

1036.204 Disclosure of the magnitude of construction projects.

(h)(1) For construction projects over \$10,000,000, show the magnitude in ranges of —

- (i) Between \$10,000,000 and \$25,000,000;
- (ii) Between \$25,000,000 and \$50,000,000;
- (iii) Between \$50,000,000 and \$100,000,000; and
- (iv) then in increments of \$50,000,000, for more than \$100,000,000.

1036.206 Liquidated damages. [Reserved]

1036.209 Construction contracts with architect-engineer firms.

(a) COs shall submit requests to award such a contract to the SPE for approval in accordance with [1001.7000\(a\)](#). These requests shall include—

- (1) Description of the requirement, government estimate, location of the project, and need date;
- (2) Description of the market research conducted demonstrating how this firm was selected;
- (3) The reason(s) why award to the design firm is required;
- (4) An analysis of the facts involving potential or actual organizational conflicts of interest, including benefits and detriments to the Government and prospective contractor; and
- (5) Measures to be taken to avoid, neutralize, or mitigate conflicts of interest.

(b) This section does not apply to design-build contracts, as defined at [FAR 36.102](#).

SUBPART 1036.6—ARCHITECT-ENGINEER SERVICES

1036.602-1 Selection criteria.

(b) The HCA is authorized to approve the use of design competition. Approval must be obtained prior to soliciting proposals.

1036.602-4 Selection authority.

(a) The HCA is authorized to make the final selection decision.

1036.602-5 Short selection process for contracts not to exceed the simplified acquisition threshold.

See [DTAR 1036.602-5, Short selection process for contracts not to exceed the simplified acquisition threshold](#) for Treasury's requirement.

1036.605 Government cost estimate for architect-engineer work.

(b) COs may release Government estimates on an as-needed basis in accordance with [FAR 36.605\(b\)](#).

PART 1037—SERVICE CONTRACTING

SUBPART 1037.1—SERVICE CONTRACTS—GENERAL

1037.104 Personal services contracts.

(b) Refer all personal services requirements to the Bureau personnel officer for determination of whether the award is specifically authorized by statute.

(f) The CO shall ensure such coordination with the cognizant human resources office occurs prior to contract award and includes a determination of compliance with [5 U.S.C 3524](#) governing the repayment of voluntary separation incentive payment. If the potential awardee submits an affirmative certification, and unless otherwise waived by the head of the agency it is the responsibility of the CO to work with the appropriate finance/budget offices to ensure that repayment is made, prior to awarding the contract.

1037.110 Solicitation provisions and contract clauses.

(f) The CO shall include in all solicitations for personal service contracts language that requests the certification as to whether any of the proposed personnel received a voluntary separation incentive payment under 5 U.S.C 3523 within the last 5 years after the date of the separation on which the payment is based.

1037.112 Government use of private sector temporaries.

All actions shall be coordinated with the Bureau personnel officer.

1037.113-1 Waiver of cost allowability limitations.

(a) The CO shall submit the waiver to the SPE for approval in accordance with [1001.7000\(a\)](#).

SUBPART 1037.6—PERFORMANCE-BASED ACQUISITION

1037.6070 Performance Based Advocate.

(a) Each Bureau shall designate a PBA Advocate to. The Bureau PBA Advocate will—

(1) Establish procedures inclusive of dollar threshold(s) for the review of acquisition plans for services;

(2) Establish procedures inclusive of dollar threshold(s) for the review of solicitations for services to assure performance based techniques are adequately implemented;

(3) Prepare and report progress on annual bureau level plans to meet or exceed PBA goals set by OPE; and

(4) Review and sign determination and findings prepared in accordance with [1007.105\(b\)\(5\)\(i\)](#); and

(5) Coordinate with the OPE on PBA matters.

SUBPART 1037.70—CONTRACTING FOR AUDIT OR CERTAIN NONAUDIT SERVICES

1037.7000 Scope of part.

This subpart prescribes policies and procedures for acquiring audit and certain nonaudit services from non-federal auditors. The subpart applies to all procurements, including task and delivery orders under existing contracts and agreements, by Bureaus and other Treasury offices of audit and certain nonaudit services from non-federal auditors, regardless of whether the acquisition function is performed with Treasury or by another agency. These additional procedures support, [FAR 9.504\(b\)](#) wherein, “should obtain the advice of counsel and the assistance of appropriate technical specialists in evaluating potential conflicts and in developing any necessary solicitation provisions and contract clauses.”

1037.7001 Definition.

“Audit services” means Generally Accepted Government Accounting Standards (GAGAS) define “audits that may be performed in accordance with GAGAS as

- (1) Financial audits: for the requirements and guidance (see Government Auditing Standards (GAS) 1 through 4);
- (2) Attestation engagements: for the requirements and guidance (see GAS 1 through 3, and 5); and
- (3) Performance audits: for the requirements and guidance (see GAS 1 through 3, 6, and 7).

“NonAudit services” means professional services other than audits or attestation engagements (see GAS 2.12) performed by vendors that also provide independent public accounting services, specifically vendors where the nonaudit service will be performed by one of the vendors listed under GSA Schedule 520 “Financial and Business Solutions,” Special Item Number (SIN) 520-7, “Financial and Performance Audits, SIN 520-8 Complementary Audit Services and SIN 520-9 Recovery Audits.” Auditors may be able to provide nonaudit services in the broad areas indicated in GAS 3.49 through 3.58 without impairing independence if

- (1) the nonaudit services are not expressly prohibited;
- (2) the auditor has determined that the requirements for performing nonaudit services in GAS 3.34 through 3.44 have been met; and
- (3) any significant threats to independence have been eliminated or reduced to an acceptable level through the application of safeguards.

1037.7002 Policy.

(a) In accordance with the Inspector General Act of 1978, as amended, the IG of an agency determines when it is appropriate to use non-Federal auditors for audit work, and for assuring that work performed by non-Federal auditors complies with standards established by the Government Accountability Office (GAO) and reviewing if such acquisition would present a conflict of interest (see [FAR 9.504\(b\)](#)). In addition, the IG of an agency shall evaluate whether nonaudit services performed by vendors that also provide independent public accounting services would not be

independent or be perceived as not being independent or present a conflict of interest (see [FAR 9.504\(b\)](#)).

(b) Though auditors have the capability of performing a wide range of services for their clients, for audits required to be conducted in accordance with GAS issued by the Comptroller General of the United States, it is not always appropriate for auditors to perform both audit and certain nonaudit services for the same client. In these cases, the auditor and/or the client will have to make a choice as to which of the services will be provided. This issue is addressed in GAS 3.33 through 3.58. GAS establishes a conceptual framework for independence to provide a means for auditors to assess auditor independence for activities that are not expressly prohibited. Some nonaudit services do not impair an auditor's independence. However, there are other nonaudit services that, by their very nature, impair the audit organization's independence. Examples of nonaudit services that would impair an auditor's independence with respect to audited entities and on certain nonaudit services that may be permitted under appropriate conditions is included in GAS 3.45 through 3.58.

- (1) Management activities (see GAS 3.36);
- (2) Preparing Accounting Records and Financial Statements (see GAS 3.50 and 3.51);
- (3) Internal Audit Assistance Services Provided by External Auditors (see GAS 3.53);
- (4) Information Technology Systems Services (see GAS 3.56);
- (5) Valuation Services (see GAS 3.57);
- (6) Benefit plan administration (see GAS 3.58b);
- (7) Investment—advisory or management (see GAS 3.58c);
- (8) Executive or employee personnel matters (see GAS 3.58e);
- (9) Business risk consulting (see GAS 3.58f).

The GAS may be found at <http://www.gao.gov/yellowbook/overview>.

1037.7003 Contracting officer responsibility.

(a) Prior to issuance of the solicitation for audit or nonaudit services from non-federal auditors, the CO shall submit to the cognizant IG authority a request for concurrence to proceed with the acquisition. The request shall include a copy of the requirement package, inclusive but not limited to a copy of the SOW/PBWS. The cognizant IG authority will promptly review the requirement package for the contemplated services, and provide their concurrence or non-concurrence. In the case of non-concurrence they will provide their reasons for their determination.

(1) *Non-concurrence.* If the cognizant IG authority does not concur, the CO shall:

- (i) *Audit services.* Cancel the acquisition.
- (ii) *Nonaudit services.* Consider the non-concurrence and determine whether to proceed with the acquisition. If the determination is to proceed with the acquisition, the CO shall obtain written approval from the SPE before issuance of the solicitation (see [1001.7000\(a\)](#)). The SPE shall consult with the cognizant IG authority prior to granting approval. If the SPE does not concur the CO shall cancel the acquisition.

(2) *Concurrence.* If the cognizant IG authority concurs, the CO may proceed with issuance of the solicitation. For purposes of acquisition of nonaudit services, GAS requires that management possesses suitable skill, knowledge, or experience to oversee the acquisition.

(b) The CO shall alert the cognizant IG authority if at any time a target award date is being adversely impacted during the cognizant IG authority review interval. BCPOs may bring turn-around time concerns, if any, to the attention of the SPE.

**PART 1038— FEDERAL SUPPLY SCHEDULE CONTRACTING
[RESERVED]**

There is no DTAP text implementing or supplementing FAR part 38.

PART 1039—ACQUISITION OF INFORMATION TECHNOLOGY

SUBPART 1039.1—GENERAL

1039.101 Policy.

(v) Leveraging Treasury Mandatory Sources (see [1008.002](#)) and other Federal strategic sources.

1039.103 Modular contracting.

(a) Contracting Officers and other members of the acquisition team should use OMB memorandum entitled, “Contracting Guidance to Support Modular Development” dated June 12, 2012 available at http://www.whitehouse.gov/omb/procurement_index_memo for contracting guidance to support the use of modular contracting.

SUBPART 1039.2—ELECTRONIC AND INFORMATION TECHNOLOGY

1039.203 Applicability.

(a) COs should review requirements documents for electronic information technology to ensure compliance with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

**PART 1040
[RESERVED]**

There is no DTAP text implementing or supplementing FAR part 40.

PART 1041—ACQUISITION OF UTILITY SERVICES

SUBPART 1041.1—GENERAL

1041.103 Statutory and delegated authority.

(b)(1) Requests to GSA for delegations of contracting authority to enter into utility service contracts shall be referred by the BCPO to the SPE for forwarding to GSA.

PART 1042—CONTRACT ADMINISTRATION AND AUDIT SERVICES

1042.002 Interagency agreements.

(a) Interagency agreements established to acquire field contract administration services shall be coordinated in advance with the SPE to determine whether there should be a Department-wide arrangement.

SUBPART 1042.1—CONTRACT AUDIT SERVICES

1042.102 Assignment of contract audit services.

(a) Requests for audit services shall be in accordance with [Treasury Directive 76-06, Request for Contract Audit Services](#), and subpart [1037.70](#).

SUBPART 1042.5—POSTAWARD ORIENTATION

1042.501 General.

(a) A CO may consult Treasury's guidance on conducting a postaward orientation available at [OPE's SharePoint site](#).

SUBPART 1042.7—INDIRECT COST RATES

1042.703-2 Certificate of indirect costs.

(b)(1) BCPOs may waive the requirement for Certification of Final Indirect Costs.

SUBPART 1042.8-DISALLOWANCE OF COSTS

1042.803 Disallowing costs after incurrence.

(b)(3)(ii) The CO shall process the claim in accordance with Bureau procedures.

SUBPART 1042.15—CONTRACTOR PERFORMANCE INFORMATION

1042.1500 Procedures.

See [DTAR 1042.1500, Procedures](#) for Treasury's requirements.

1042.1502 Policy.

(a)(1) Bureaus shall use the Contractor Performance Assessment Reports System (CPARS) for submitting input on contractor performance in accordance with [FAR 42.1502 and 42.1503](#).

(2) COs shall prepare interim evaluations on an annual basis from the date of contract award.

1042.1503 Procedures.

(a)(1) The CO is responsible for obtaining evaluations from all functional elements involved in post-award management of the contract action. The COR evaluation is required for all contract actions. Evaluations from the program office, administrative contracting office, end users of the product or service, and other

technical or business advisors are required, as determined by the CO, such that all relevant performance information is available to the CO for consideration in preparing the evaluation

(c) Past performance reports for personal services contracts, discussed in [FAR 37.104](#), shall be maintained in the contract file. A CPARS shall not be prepared.

(d) For the purpose of [FAR 42.1503\(d\)](#) the term, "as soon as practicable," is defined as 30 days. All evaluations shall be finalized in CPARS within 120 days after completion of delivery, performance, or contract period, whichever is later. If there are disagreements between the CO and the contractor regarding the evaluation, Bureau review at a level above the CO, as designated in Bureau procedures, is required.

(f) Bureaus may establish bureau procedures for the reporting of past performance evaluations for classified contracts and special access programs (see [1005.202\(a\)\(1\)](#) for the requirement for SPE review and concurrence).

PART 1043—CONTRACT MODIFICATIONS

SUBPART 1043.1—GENERAL

1043.102-70 Policy.

Modifications that increase the total value of the contract or, task/ delivery order by 20 percent or more shall be addressed in a determination and findings that is reviewed by legal and approved by the BCPO.

1043.205 Contract Clause.

(c) The CO shall document the contract file concerning the rationale for varying the 30-day period in paragraph (c) of [FAR clause 52.243-3, Changes-Time-and-Materials or Labor-Hours](#).

PART 1044—SUBCONTRACTING POLICIES AND PROCEDURES

**SUBPART 1044.3—CONTRACTORS' PURCHASING SYSTEMS
REVIEWS**

1044.302 Requirements.

(a) The SPE is authorized to raise or lower the \$25 million review level. The CO shall submit requests to the SPE for approval in accordance with [1001.7000\(a\)](#).

PART 1045—GOVERNMENT PROPERTY

SUBPART 1045.3-AUTHORIZING THE USE AND RENTAL OF GOVERNMENT PROPERTY

1045.302 Contracts with foreign governments or international organizations.

Contracting officers shall compute rental costs for the use of Government production and research property with foreign governments or international organizations in accordance with [FAR 52.245-9, Use and Charges](#). See also [OMB Circular A-25, User Charges](#) for guidance on the establishment of fees to recover costs.

PART 1046—QUALITY ASSURANCE

SUBPART 1046.4—GOVERNMENT CONTRACT QUALITY ASSURANCE

1046.401 General.

(f) Environmental, Health, and Safety (EHS) professionals shall perform assessments and oversight during contract performance as necessary and as agreed upon in the acquisition plan and contract. See [1023.70](#).

SUBPART 1046.5—ACCEPTANCE

1046.502 Responsibility for Acceptance.

The CO may assign a COR the responsibility of acceptance of supplies or services. The CO, COR or other authorized designee may obtain documentary evidence in either hard copy or electronic format to substantiate the receipt, inspection, and acceptance of supplies or services.

SUBPART 1046.6—MATERIAL INSPECTION AND RECEIVING REPORTS

1046.601 General.

See [1046.670](#) for Treasury's procedures and instructions for the use, preparation and distribution of material inspection and receiving reports and commercial shipping document/packing lists to evidence Government inspection (see [FAR 46.401](#)) and acceptance (see [FAR 46.501](#)).

1046.670 Procedures and instructions.

Bureaus may prescribe additional procedures and instructions, as appropriate, to further supplement the below.

1046.670-1 Inspection and receiving report.

(a) Unless otherwise prescribed by Bureau procedures, a receiving report statement shall be signed by the authorized Government representative to evidence Government inspection and receipt, except for simplified acquisitions using [OF 347](#). The receiving report shall be completed at the place(s) specified in the contract for performance of Government quality assurance.

(b) For simplified acquisitions using [OF 347](#), or an equivalent authorized Bureau form, the receiving report section shall be completed for inspection and receipt and signed by the authorized Government representative.

1046.670-2 Acceptance report.

(a) Unless otherwise prescribed by Bureau procedures, an acceptance report statement shall be signed by the authorized Government representative to evidence Government acceptance, except for simplified acquisitions using [OF 347](#). The

acceptance report shall be completed at the place(s) specified in the contract for Government acceptance.

(b) For simplified acquisitions using [OF 347](#), or an equivalent authorized Bureau form, the receiving report section shall be completed for acceptance and signed by the authorized Government representative.

1046.670-3 Inspection, acceptance, and receiving report.

All contract and order files shall contain the following information in a Bureau-authorized form or format, when [OF 347](#), or an equivalent, has not been used—

- (a) Date;
- (b) Contract number and latest modification number;
- (c) If applicable, order number and latest modification number;
- (d) Contractor's name;
- (e) Date items received or date recurring payment due;
- (f) Location where items were delivered or contractor's performance;
- (g) Statements applicable to the respective signature blocks to effect that the requirements have been inspected, received and accepted by me and meet the terms of the contract except as noted below;
- (h) List the requirements that were not accepted and/or the deductions made and state the reason(s) why;
- (i) Total amount of deductions related to rejected items;
- (j) Signature and printed name of authorized Government representative(s);
- (k) Title of authorized government representative(s); and
- (l) Date(s) signed.

SUBPART 1046.7—WARRANTIES

1046.703 Criteria for use of warranties.

If a warranty is determined to be appropriate, the contract file shall be documented with the CO's reasons for inclusion of a warranty and identify the specific parts, subassemblies, systems or contract line item(s) on which a warranty should apply, and shall address why a warranty is appropriate under the criteria set forth in [FAR 46.703](#).

1046.704 Authority for use of warranties.

COs are authorized to approve the use of warranties.

1046.705 Limitations.

(a) See [1046.708](#) concerning Treasury's requirements for the inclusion of warranties in cost-reimbursement contracts.

1046.708 Warranties of data.

Warranties of data shall be developed and used only after consultation with legal counsel. The CO shall consider the factors in [FAR 46.703](#) in deciding whether to obtain warranties of data. Consider the following in deciding whether to use extended liability provisions—

(a) The likelihood that correction or replacement of the nonconforming data, or a price adjustment, will not give adequate protection to the Government; and

(b) The effectiveness of the additional remedy as a deterrent against furnishing nonconforming data.

SUBPART 1046.70— HIGH IMPACT ACQUISITION PROGRAM

1046.7000 General.

(a) The High Impact Acquisition (HIA) Program is designed to--

- (1) Provide insight into the management of Treasury's HIAs;
- (2) Improve communication and coordination among cognizant COs, Project Managers (PMs), CORs, and other stakeholders; and
- (3) Monitor acquisition strategies and timelines in the pre-award phase to ensure they are appropriate for their purpose, well planned, aligned with Federal and Treasury strategic objectives, properly resourced, effectively managed, and on track for award;
- (4) Monitor high profile contracts post award in the areas of cost, schedule, and performance/compliance with contract terms and conditions, monitor contract scope/value increases and decreases, and monitor COR qualifications; and
- (5) Provide individuals within the acquisition community a communication channel to highlight issues requiring additional attention to help prevent and resolve problems.

(b) The OPE manages the HIA Program, however, OPE approval is not required prior to proceeding with acquisition planning or contract management activities. Responsibility for sound acquisition planning and contract administration continues to rest with the BCPO and CO. OPE will review acquisition plans and may require additional documentation and/or discussion of particular strategies, plans, or documents on a case-by-case basis to support more in-depth analysis.

1046.7001 Definition.

(a) "High Impact Acquisition (HIA)," as used within this subpart, means a planned or existing procurement action meeting at least one of the following criteria—

- (1) Valued greater than \$10 million (\$1 million for CDFI);
- (2) Supports OMB 300 major investments;
- (3) A "bridge" contract, regardless of dollar value – a "bridge" contract is an interim contract, generally issued using a justification for other than full and open competition, used to provide continuity of services until a new contract can be competitively awarded;
- (4) An information technology contract or agreement, regardless of dollar value, with a period of performance that exceeds five years, excluding potential extensions of performance as provided by [FAR 52.217-8](#) and [FAR 52.237-3](#); or
- (5) Controversial or otherwise sensitive such that it warrants the attention of the SPE.

(b) "Procurement actions" for purposes of HIA include interagency agreements, contracts, task orders, delivery orders, and purchase orders. Indefinite Delivery contracts and agreements shall be reported if the estimated potential value of all anticipated obligations under the contract or agreement, including options, is

anticipated to meet or exceed the threshold set forth in [1046.7001\(a\)\(1\)](#), or if one or more orders or calls under the contract or agreement meets the criteria of [1046.7001\(2\) or \(3\)](#). Individual orders or calls shall be reported in addition to the base contract or agreement if they meet any of the criteria of this section.

1046.7002 Reporting, Controls, and Documentation.

HIA reporting is the responsibility of the CO responsible for awarding and/or administering the contract and the program manager or COR responsible for the requirement. BCPOs shall oversee the timely submission of all HIA documentation and reportable elements and validate their bureau's information on the HIA database. OPE will host the current HIA database, and will retain historical versions of the HIA database for management oversight and auditing purposes. Bureaus shall not delete actions from the HIA database – if an action should be removed from the Pre-Award section because the action has been awarded or cancelled, or if an action should be removed from the Post-Award section because performance is complete and the final Contractor Performance Assessment Report (CPAR) has been submitted, the CO shall email the OPE HIA point of contact requesting the action be removed from the database. The HIA database should be updated in real time – as changes occur, acquisition plans are completed, or other progress is made, or if issues arise, COs should update the database. While bureaus will only be scored on the quarterly OPE data calls for updates to the HIA database, updates should be made continuously to keep senior management aware of progress and/or issues.

(a) *Reporting.* COs shall submit information about each pre-award and post-award HIA procurement action using the Pre-Award and Post-Award sections of the HIA database available at:

http://thegreen.treas.gov/do/ope/HIA/Pages/HIA_Home.aspx. The HIA database is comprised of two sections: Pre-Award and Post-Award--

(1) Pre-Award Section--

(i) For pre-award actions, all Pre-Award Information shall be completed to the maximum extent practicable when the HIA is first entered into the HIA database.

(ii) To ensure adequate acquisition planning, COs shall enter pre-award information, for all HIAs that are follow-on contracts to existing HIAs, into the HIA database at least 18 months prior to the expiration of the last option period of the existing HIA. If an HIA is not a follow-on to an existing HIA, COs shall submit the information for the new HIA to the HIA database as soon as the end user contacts the CO to begin procurement planning.

(iii) The complete, signed acquisition plan shall be uploaded to the HIA Pre-Award section at least six months prior to the anticipated award date.

(iv) COs shall, at a minimum, update the "Pre Award Comments" status block at each quarterly OPE HIA data call to annotate the latest status, issues, or any other information about the procurement senior management should be aware of.

(v) After an action is awarded, the CO shall email the OPE HIA point of contact directly to request the action be removed from the Pre-Award section. The CO shall enter the HIA contract award in the Post-Award section no later than ten

business days after contract award. For any action that is cancelled, the CO shall report it as cancelled on the next quarterly report/review. The CO shall then email the OPE HIA point of contact directly to request the action be removed from the Pre-Award section.

(2) Post-Award Section—

(i) The CO shall enter all post-award information in the Post-Award section. This information includes an assessment of contractor performance, which shall be updated quarterly, and the date that the last CPAR was submitted (it is left to the discretion of the CO whether the CPAR will be completed at the ordering vehicle level or at the task order level, but the CO should clearly indicate at what level the CPAR is being accomplished in the “Post Award Comments” data field). See [FAR subpart 42.15](#) for evaluation rating definitions of the evaluation factors to be rated in the Post-Award section.

(ii) On a quarterly basis, COs shall update the number of modifications issued to date against each HIA, and annotate both the original total dollar value of the action at time of award and the current total dollar value.

(iii) When performance of a specific HIA contract is complete, or the contract has been ended prior to the ultimate completion date (i.e., termination or non-exercise of an option), the CO shall report the latest status of the action in the quarterly update. The CO shall ensure the final CPAR has been completed and report the contract as complete in a quarterly update. Once the action has been reported as complete in a quarterly update, the CO shall email the OPE HIA point of contact directly to request the action be removed from the Post-Award section.

(b) *Acquisition Planning.* Written acquisition plans shall be developed for any acquisition that meets the HIA definition. Acquisition plans shall be developed in accordance with [FAR 7.1](#) and [subpart 1007.1](#) and posted to the Pre-Award section of the HIA database in accordance with [1046.7002\(a\)\(1\)\(iii\)](#).

(c) *Waiver.* If a BCPO determines that a planned procurement action falls within the definition of an HIA and determines that such action does not warrant reporting, the BCPO may submit a waiver request to the SPE. The waiver request should include a detailed justification, explaining why the action should be excluded from the reporting requirement. Waiver requests, regardless if approved or not, shall be retained in the contract file.

1046.7003 Collection and Use of Data for the HIA Dashboard and Scorecard.

(a) Data from the HIA database will be gathered and compiled by OPE into a pre-award dashboard and a post-award scorecard. The dashboard and scorecard will be presented at TAC meetings and used to support presentations to the CAO and Deputy Secretary for Procure-STAT, to the Office of Federal Procurement Policy for the AcqStat initiative, and for other forums as appropriate. The dashboard and scorecard data will be utilized in OPE’s annual review/rating of each bureau’s contracting activity.

(1) *Pre-award dashboard --*

(i) OPE will review HIA pre-award data and prepare a consolidated dashboard to identify risks in critical focus areas including schedule, small business,

competition and contract type risk, and other areas of interest to Treasury leadership.

(ii) Acquisitions in the pre-award phase will indicate key forecast and actual milestones to support an assessment as to whether the program entails adequate planning, and whether it is on track to meet the solicitation release and award milestones. The proposed contract type, competition, and small business strategy will be indicated on the dashboard.

(iii) OPE staff will analyze pre-award data for completeness and to identify problems or delays in pre-award planning. HIA Pre-Award actions will be given traffic light style scores for *progress, i.e., green, yellow and red*. Follow-ons to existing HIA actions not entered into the Pre-Award section of the HIA Database at least 18 months prior to the anticipated award date will be scored yellow on the dashboard, and scored red if the action is not entered into the Pre-Award section of the database at least 12 months prior to the anticipated award date. Actions without complete, signed acquisition plans uploaded to the Pre-Award section of the HIA Database at least six months prior to the anticipated award date will be scored red. Failure to update the database will result in a score of red.

(2) *Post-award scorecard*—

(i) OPE staff will analyze post-award data for completeness and to identify problems that may arise during contract administration.

(ii) Contracts will be given traffic light style scores for *status and progress, i.e., green, yellow and red*. A *status* score is the result of analyzing performance information and qualifications of the COR. Any contract with a performance rating in any element of less than satisfactory, with a COR without an active FAC-COR certification, or with an overdue CPAR report will receive a status score of red. CPAR reports with a due date in the following quarter will receive a rating of yellow. A *progress* score is given for updating contract reviews or timely providing and completing a Corrective Action Plan once a contract appears on the scorecard. Provided actions are done accurately and timely, contracts will receive a *progress* score of green, even though the contract may be given a *status* score of red. If the CO pursues information from the program office without response, this will be noted and the contract will receive a progress score of yellow. All scores of yellow and red are compiled on a scorecard along with the status and progress score.

(b) *Corrective Action Plan*. A Corrective Action Plan shall be submitted to OPE no later than two weeks after release of the pre-award dashboard and post-award scorecard.

1046.7004 Strategic Review Board (SRB).

The OPE may call a SRB which serves as an advisory body to the SPE to review selected HIAs. The purpose of a SRB is to review HIAs to ensure that acquisition planning includes adequate and appropriate industry outreach and communications consistent with law, regulation, and Treasury policy. The SRB will consist of designated OPE staff and other interested parties. The Bureau will be notified if an SRB will be held. The CO and PM/COR will prepare a slide deck for presentation to the SRB within two weeks of BCPO notification.

PART 1047—TRANSPORTATION

SUBPART 1047.5—OCEAN TRANSPORTATION BY U.S.-FLAG VESSELS

1047.506 Procedures.

(d)(1) COs shall submit reports to: Maritime Administration, Office of Cargo and Commercial Sealift, MAR-620/Mail Stop 2, 1200 New Jersey Avenue, SE., Washington, DC 20590. (2) If a bill of lading cannot be obtained, COs shall submit the information described in 46 C.F.R. 381.3(a). See additional information at <http://www.marad.dot.gov/ships-and-shipping/cargo-preference/cargo-preference-points-of-contact/>.

PART 1048—VALUE ENGINEERING

SUBPART 1048.1—POLICIES AND PROCEDURES

1048.102 Policies.

(a) The CO shall submit exemption requests to inclusion of value engineering provisions to the SPE for approval in accordance with [1001.7000\(a\)](#). Exemptions shall be retained in the contract file.

(b) Bureaus shall establish procedures for processing and evaluating value engineering change proposals (VECP).

1048.103 Processing value engineering change proposals.

(a) Bureau technical personnel are responsible for—

(1) Conducting a comprehensive review of VECPs for technical feasibility, usefulness, and adequacy of the contractor's estimate of cost savings;

(2) Making a written report; and

(3) Recommending acceptance or rejection to the CO.

(b) Bureaus shall establish systems to track VECPs.

1048.201 Clauses for supply or service contracts.

(a)(6) The SPE is authorized to exempt a contract or a class of contracts from the requirements of [FAR part 48](#). The CO shall submit these requests in accordance with [1001.7000\(a\)](#).

PART 1049—TERMINATION OF CONTRACTS

SUBPART 1049.1—GENERAL PRINCIPLES

1049.106 Fraud or other criminal conduct.

Submit reports of suspected fraud or other criminal conduct through legal counsel to the BCPO and to the cognizant IG authority, along with copies of documents or other information connected with the suspected violations(s). Submit a copy of the report to the Suspension & Debarment Official.

1049.107 Audit of prime contract settlement proposals and subcontract settlements.

(a) Requests are to be submitted to the Bureau's cognizant IG authority in accordance with [Treasury Directive 76-06, Request for Contract Audit Services](#).

(b) Requests are to be submitted to the Bureau's cognizant IG authority in accordance with [Treasury Directive 76-06, Request for Contract Audit Services](#).

PART 1050—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

SUBPART 1050.1—EXTRAORDINARY CONTRACTUAL ACTIONS

1050.101-3 Records.

COs shall forward records of contractual actions taken pursuant to [Pub. L. 85-804](#) and E.O. 107-89 related to the national defense to OPE at OfficeoftheProcurementExecutive@treasury.gov.

1050.102-1 Delegation of authority.

The ASM/CFO is authorized to approve all actions under [FAR part 50](#), except indemnification actions listed in [FAR 50.102-1\(d\)](#).

1050.103-6 Disposition.

COs shall prepare written reports and draft Memorandum of Decision. The CO shall submit the reports and draft Memorandum of Decision to the SPE in accordance with [1001.7000\(b\)](#).

1050.104 General.

(a) Proposals for the exercise of residual powers shall be processed using the procedures in [1050.103-6](#).

1050.104-3 Special procedures for unusually hazardous or nuclear risks.

(b)(1) The CO submission shall include the contractor's indemnification request and a draft Memorandum of Decision for signature by the agency head. The CO shall submit the request to the agency head for approval in accordance with [1001.7000\(b\)](#).

**PART 1051—USE OF GOVERNMENT SOURCES BY CONTRACTORS
[RESERVED]**

There is no DTAP text implementing or supplementing FAR part 51

PART 1052—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

SUBPART 1052.2—TEXTS OF PROVISIONS AND CLAUSES

1052.201-70 Contracting Officer's Representative (COR) appointment and authority.

See [DTAR 1052.201-70, Contracting Officer's Representative \(COR\) appointment and authority](#) for Treasury's clause.

1052.203-98 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements—Representation. (DEVIATION 2015-00003)

See AB 15-03 dated March 18, 2015 entitled, "[Class Deviation—Implementation of an Appropriations Provision Related to Internal Confidentiality Agreements and the Reporting of Fraud, Waste, or Abuse](#)" for the instructions on inserting this provision.

1052.203-99 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements. (DEVIATION 2015-00003)

See AB 15-03 dated March 18, 2015 entitled, "[Class Deviation—Implementation of an Appropriations Provision Related to Internal Confidentiality Agreements and the Reporting of Fraud, Waste, or Abuse](#)" for the instructions on inserting this clause.

1052.209-70 Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction under Federal Law (FEB 2012).

See AB 14-01 revision 2 dated May 7, 2014 entitled, "[Class Deviation, Federal Acquisition Regulation \(FAR\) 52.209-5, Certifications Regarding Responsibility Matters](#)" for the instructions on inserting this provision.

1052.209-71 Representation by Corporations Regarding a Unpaid Federal Tax Liability or Conviction of a Felony Criminal Violation under Federal Law.

See [AB 15-02 dated January 7, 2015](#) entitled, "[Class Deviation—Prohibition Against Using Funds to contract with Corporations that Have a Unpaid Federal Tax Liability or Was Convicted of a Felony Criminal Violation under Federal Law](#)" for the instructions on inserting this provision.

1052.210-70 Contractor publicity.

See [DTAR 1052.210-70, Contractor publicity](#) for Treasury's clause.

1052.219-18 Notification of competition limited to eligible 8(a) concerns - Alternate III (Deviation) (May 1998).

See [DTAR 1052.219-18, Notification of competition limited to eligible 8\(a\) concerns - Alternate III \(Deviation\)](#) for Treasury's clause.

1052.219-72 Section 8(a) direct awards.

See [DTAR 1052.219-72, Section 8\(a\) direct awards](#) for Treasury's clause.

1052.219-73 Department of the Treasury Mentor-Protégé Program.

See [DTAR 1052.219-73, Department of the Treasury Mentor-Protégé Program](#) for Treasury's clause.

1052.219-75 Mentor Requirements and Evaluation.

See [DTAR 1052.219-75, Mentor Requirements and Evaluation](#) for Treasury's clause.

1052.222-70 Minority and Women Inclusion.

See [DTAR 1052.222-70, Minority and Women Inclusion](#) for Treasury's clause.

1052.224-1 Contract Publication

As prescribed in [1024.203\(c\)](#), insert the following clause in solicitations where publication of the contract and/or order is anticipated:

CONTRACT PUBLICATION (APRIL, 2013)

The contractor shall submit, within ten business (10) days from the date of award of the contract or any order hereunder (exclusive of Saturdays, Sundays, and federal holidays), a .pdf file of the fully executed contract or order with all proposed necessary redactions, including redactions of any trade secrets or any commercial or financial information that it believes to be privileged or confidential business information, suitable for public disclosure at the sole discretion of the United States Department of the Treasury. The contractor shall provide a detailed written statement specifying the basis for each of its proposed redactions, including the applicable exemption under the Freedom of Information Act (FOIA), [5 U.S.C. 552](#), and, in the case of FOIA Exemption 4, [5 U.S.C. 552\(b\)\(4\)](#), shall demonstrate why the information is considered to be a trade secret or commercial or financial information that is privileged or confidential. Information provided by the contractor in response to this requirement may itself be subject to disclosure under the FOIA. The Treasury will carefully consider all of the contractor's proposed redactions and associated grounds for nondisclosure prior to making a final determination as to what information may be properly withheld.

(End of clause)

1052.228-70 Insurance requirements.

See [DTAR 1052.228-70, Insurance requirements](#) for Treasury's clause.

1052.232-7003 Electronic submission of payment requests.

See [DTAR 1052.232-7003, Electronic submission of payment requests](#) for Treasury's clause.

PART 1053–FORMS

SUBPART 1053.1–GENERAL

1053.101 Requirements for use of forms.

The requirements for use of the forms prescribed or referenced in this part are contained in parts 1001 through 1052, where the subject matter applicable to each form is addressed. The specific location of each requirement is identified in subpart 1053.2.

1053.110 Continuation sheets.

Except as may be otherwise indicated in the DTAP, all Treasury standard forms prescribed by the DTAR and DTAP may be continued on (a) a plain sheet of paper, or (b) using [Treasury Optional Form 1050](#) (OF 1050), Continuation Sheet or (c) if applicable using [Treasury Optional Form 1052](#) (OF 1052), Additional Signature Continuation Sheet. Continuation sheets shall be annotated in the upper right-hand corner with the reference number of the document being continued, requirement title, and the serial page number.

SUBPART 1053.2–PRESCRIPTION OF FORMS

1053.200 Scope of subpart.

This subpart identifies Treasury-prescribed forms for use in acquisition. Consistent with the approach used in the FAR this subpart is arranged by subject matter, in the same order as, and keyed to, the parts of the DTAP in which the form usage requirements are addressed. For example, forms addressed in [part 1010, Market Research](#), are treated in this subpart in section 1053.210-70, Market Research; forms addressed in [subpart 1016.5, Indefinite-Delivery contracts](#), are treated in this subpart in section 1053.216-70, Indefinite-Delivery contracts.

1053.201-2 Delegation of Procurement Authority.

The following forms are prescribed, as stated in the following paragraphs, for use in delegation of procurement authority.

(a) OPE DPA #1 (*Rev 9/14*), *Delegation of Procurement Authority – Purchase Cardholder Appointment/ Termination Letter*. OPE DPA #1 or other Bureau form may be used in the delegation of procurement authority, as specified in [1001.671-3](#).

(b) OPE DPA #2 (*Rev 9/14*), *Delegation of Procurement Authority – Ordering Officer Appointment/ Termination Letter*. The OPE DPA #2 or other Bureau form may be used in the delegation of procurement authority, as specified in [1001.671-3](#).

1053.204-70 Contract File Content Checklist.

The following form is prescribed for use in contracts, as specified in [1004.803\(e\)](#).

(a) OPE Checklist #1, *Contract File Content Checklist*. In the interest of uniformity and consistency, contracting office contract files shall be structured and maintained in accordance with this form. This form may be tailored for Bureau-specific requirements but shall maintain its basic structure and intent.

1053.207-170 Acquisition Planning.

The following form is prescribed, as stated in the below paragraph, for use in acquisition planning. Bureaus may prescribe additional instructions for use of the form.

(a) [Treasury SF 1011 Acquisition Plan](#), shall be used as specified in [1007.103\(e\)](#).

1053.208-470 Federal Supply Schedules.

The following form is prescribed, as stated in the below paragraph, for use in justifying limiting the source under Federal Supply Schedules. Bureaus may prescribe additional instructions for use of the form.

(a) [Treasury SF 1012 Limited-Sources Justification](#), shall be used as specified in [1008.405-6\(c\)](#).

1053.210-70 Market Research.

The following form is prescribed, as stated in the below paragraph, for use in documenting market research. Bureaus may prescribe additional instructions for use of the form.

(a) [Treasury SF 1010 Market Research Summary Report](#), shall be used as specified in [1010.002\(e\)\(2\)](#).

1053.213-570 Test Program for Certain Commercial Items.

The following form is prescribed, as stated in the below paragraph, for use of simplified procedures using [FAR part 13.5](#). Bureaus may prescribe additional instructions for use of the form.

(a) [Treasury SF 1013 Justification & Approval for FAR Subpart 13.5 Sole Source \(including brand name\) acquisitions](#), shall be used as specified in [1013.501\(a\)\(1\)\(ii\)](#).

1053.216-570 Indefinite-Delivery Contracts.

The following form is prescribed, as stated in the below paragraph, for use in ordering under indefinite-delivery contracts. Bureaus may prescribe additional instructions for use of the form.

(a) [Treasury SF 1014 Justification for an Exception to Fair Opportunity](#), shall be used as specified in [1016.505\(b\)\(2\)\(ii\)\(B\)](#).

1053.217-5 Treasury Intradepartmental Purchase Request

As prescribed in the Treasury Interagency Agreement Guide, for assisted acquisition agreements between Treasury Bureaus, For assisted acquisition agreements between Treasury Bureaus (using other Bureau's contracts), Treasury may use the Treasury Intradepartmental Purchase Request (TIPR) form in lieu of the GWA form. The TIPR form is available at:

[http://thegreen.treas.gov/policies/Forms1/Treasury%20Intra-departmental%20Purchase%20Request%20\(TIPR\).pdf](http://thegreen.treas.gov/policies/Forms1/Treasury%20Intra-departmental%20Purchase%20Request%20(TIPR).pdf)

1053.217-71 Treasury's Strategic Sourcing Program.

The following forms are prescribed, as stated in the below paragraphs, for use in supporting Treasury's Strategic Sourcing program (see [subpart 1017.71](#)).

(a) [Treasury Optional Form 1051, Strategic Sourcing White Paper](#), may be used as specified in [1017-7102\(a\)\(1\)](#).

(b) [Treasury Standard Form 1015, Strategic Sourcing Business Case](#), shall be used as specified in [1017-7102\(a\)\(3\)\(i\)](#).

(c) [Treasury Standard Form 1016, Strategic Sourcing Initiative Charter](#), shall be used as specified in [1017-7103\(c\)\(1\)](#).

SUBPART 1053.3-ILLUSTRATION OF FORMS

1053.303 Agency forms.

This section illustrates Treasury-specified forms. To access these forms go to <http://thegreen.treas.gov/do/ope/Policy/Forms%20DTAP/Forms/Public.aspx>:

Form Name	Form Number
<i>Delegation of Procurement Authority – Purchase Cardholder Appointment/ Termination Letter</i>	OPE DPA #1
<i>Delegation of Procurement Authority – Ordering Officer Appointment/ Termination Letter</i>	OPE DPA #2
Contract File Checklist	OPE Contract File Checklist
Market Research Summary Report	SF 1010
Acquisition Plan	SF 1011
Limited-Sources Justification	SF 1012
Justification & Approval for FAR Subpart 13.5 Sole Source	SF 1013
Justification for an Exception to Fair Opportunity	SF 1014
Strategic Sourcing Business Case	SF 1015
Strategic Sourcing Initiative Charter	SF 1016
Continuation Sheet	OF 1050
Strategic Sourcing White Paper	OF 1051
Additional Signature - Continuation Sheet	OF 1052